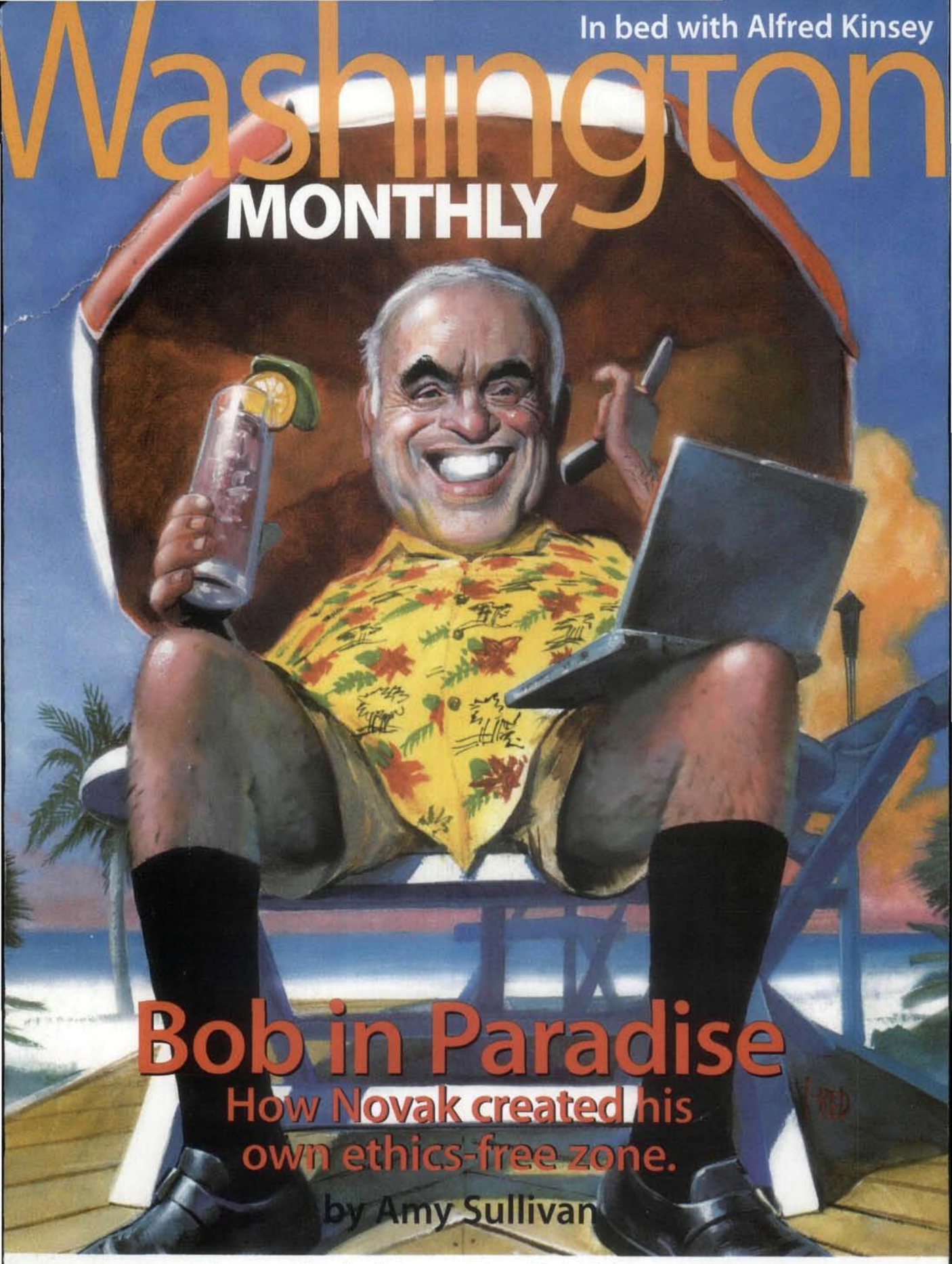
In bed with Alfred Kinsey

Washington MONTHLY



Bob in Paradise

How Novak created his own ethics-free zone.

by Amy Sullivan

December 2004 $4.50

Evangelical elitists • The *Field & Stream* Democrat

Was Wellstone assassinated? • Bush's green agenda

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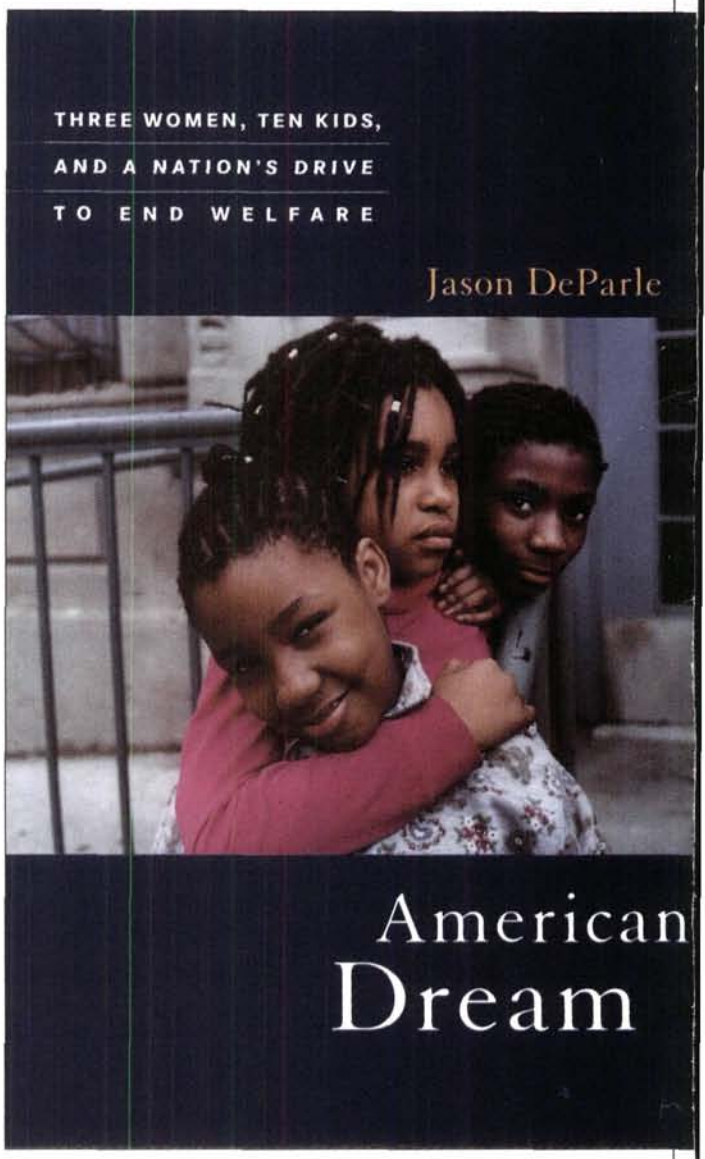

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Washington MONTHLY

Volume 36, No. 12
December 2004

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Letters

Party on

Bravo to an insightful and all too rarely civil comparison of both party's human flaws ("Party Down" by Benjamin Wallace-Wells, October). I am a lifelong Democrat, and I have seldom seen such honest introspection voiced by any pol or pundit concerning the Democrats' mistakes of the '70s. It makes the author's analogies to the current Republican Party's woes all the more relevant. But the part of the article that haunts me the most is the author's description of his dinner companion and his misguided lack of sympathy for his constituent's "weeping" over prescription drug costs. ("You should have saved more then, shouldn't you?")

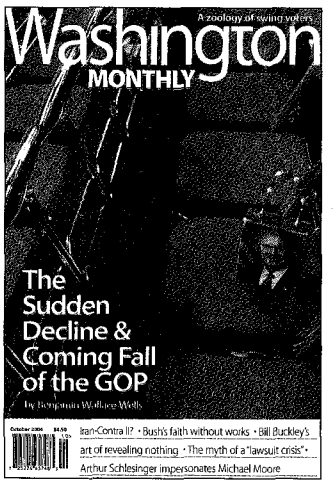
From this person's lofty yet obscured perch on the branches of his federal health-care plan, he has no idea what awaits him when he enters the real world of private health-care plans for seniors. As a former agent and purveyor of these programs, I could tell him he is woefully ignorant of the true costs and pitfalls faced now by seniors, let alone when he takes his future place among them.

It is my sincere wish that someone, perhaps the author, will remind this fellow, at some point in the distant future, when half to 60 percent of his monthly income is devoted to drugs to keep him alive, that he should have saved more.

Bob Freukes
Cedar Hill, Mo.

After reading "Party Down," I feel like I must be stuck in some parallel universe. All the parts are familiar, but the effect of the whole is surreal and unsettling.

The analogy between Republicans today and Democrats of the late '70s is intriguing and offers some valuable insights.



October 2004

But from where I sit, my own perspective as a Republican activist and sometime party officer and public official for nearly 40 years, as well as the people I speak to in both South Carolina and Pennsylvania, what I see is a party rank and file near revolt over the leftward movement of the GOP under the Bush administration and the current Senate and House leadership.

We want to get the federal government out of the business of running (and ruining) our schools. What we get is No Child Left Behind, passed with the active assistance of Ted Kennedy, which extends federal funding and the control that goes with it.

We know there is no such thing as a Social Security trust fund, never has been. We know there is a demographic train wreck coming and we can't tax our way out of it. Hard choices need to be made. Higher savings rates, higher retirement ages, lower benefits will all likely be required. We certainly can't afford new entitlements like the prescription drug bill recently passed. Unpleasant as it may be, there is no free lunch.

The glue that holds many of us to the GOP consists of a very few issues, chiefly right to life, guns, and judicial appointments. And there is the war and the spectacularly poor choice of

"The GOP rank and file is in near revolt over the leftward movement of the party under the Bush administration. We want to get the federal government out of the business of running (and ruining) our schools. What we get is No Child Left Behind."
—J. Keen Holland

candidates made by the Democrats this year. We may not be entirely pleased with the war or Bush's strategy, but the alternative is awful.

So, lots of grumbling, lots of agonizing over whether we ought to vote for Peroutka or Badnarik or some other hopeless but principled alternative, but most of us will pull the Republican lever one more time. But we wouldn't even consider voting for the sort of new and improved GOP your article envisions.

J. Keen Holland
Simpsonville, S.C.

What lawsuit crisis?

I want to thank you for finally tackling this tort reform issue and rebutting all of the Republican rhetoric behind it ("False Alarm" by Stephanie Mencimer, October). Consumer groups and lawyers are fighting tooth and nail to prevent further restrictions placed on the judicial system; but the opposition, with virtually every special interest business lobby behind it, is well financed and savvy in their public relations. At its core, tort reform is big business' attempt to avoid accountability to the "little guy." Our society simply would not be what it is today without the judicial system's substantial check on the behavior and

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actions of industry—this ability of an ordinary citizen to haul any billion-dollar multinational corporation into court to air a grievance. And we will all be worse off should we allow corporations, through their subsidized Republican representatives in government, to pass laws removing this important social balance.

Matthew LePley
Bellevue, Wash.

The Ghorbanifar affair

"Iran-Contra II?" by Joshua Micah Marshall, Laura Rozen and Paul Glastris (October) misstates key facts. Indeed, the chief premise of their story is wrong. The December 2001 meeting in Rome between some Iranians and Defense Department officials was not "an unauthorized back-channel." The real story of that meeting is as follows: Department of Defense learned from the White House that there were some Iranians who had information about terrorist threats to U.S. forces in Afghanistan and who wanted to defect. (It turned out that the Iranians did not want to defect, but they did want to share information directly with the U.S. government.) The Iranians did not, however, want to deal with the CIA. DoD was asked to handle the contact. The National Security Council staff notified in advance senior officials of the CIA and State Department, who did not object to having DoD employees make the initial contact. As a result of interagency consultations after the December 2001 meeting, it was decided not to pursue the matter further. One factor in that decision was the involvement of Ghorbanifar, whose participation in the Rome meeting surprised the senior officials at DoD who authorized the trip.

Aside from getting the major premise of their argument wrong, the authors made other important mistakes, including:

Harold Rhode does not work in the DoD's Policy organization—he works elsewhere in the Pentagon. I had nothing to do with his 2003 meeting in Paris.

Michael Ledeen, as far as I know, has no formal connection, as an employee, consultant or otherwise, with the DoD. If there was a meeting in Rome in June 2002 between "an Egyptian, an Iraqi, and a high-level U.S. government official," I know nothing about it.

The authors don't even say that they believe that the government official in question was connected with the Pentagon though that would be essential to the main point of their article.

Your article criticizes the Defense Department for contacts with Ghorbanifar, on the ground that the CIA considers him a "serial 'fabricator.'" But the authors then accept as true all the statements that he makes, including those that may be self-serving.

Douglas Feith
Under Secretary of Defense for Policy
United States Department of Defense

Correction:

In "Bernard Lewis Revisited" by Michael Hirsh (November), a scholar at the University of Chicago was mistakenly identified as Robert Wood. His name is John Woods, and he was among those who was attacked by Martin Kramer as an apologist for Islamic radicalism.

Washington MONTHLY

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Steered science

Chris Mooney ("Research and Destroy," October) writes: "Embryonic stem-cell research (ESC) is another issue where conservatives have latched onto fringe science in order to advance moral arguments." But virtually everything positive about ESCs is hype from politicians, the media, or ESC researchers. The Democrats refuse to even acknowledge the existence of adult stem cells (ASCs), as shown in John Kerry's response to a question about them in the second presidential debate. Yet ESCs aren't even in clinical trials, while ASCs have been used to treat human disease since the 1950s. Eighty therapies currently use ASCs.

The only possible advantage of ESCs is its potential, but again Mooney is wrong in saying flatly: "It's well established that embryonic stem cells can generate any kind of tissue found in the body." We don't know that yet. Scientists have already discovered at least 14 types of ASCs that—even with limited plasticity—could eliminate the need for a "one-size fits all" cell. MacroPore of San Diego expects to use fat stem cells to make such repairs routine in as little as two years. Further, three different labs have presented evidence that an ASC can be "teased" into all three germ lines that make up all the cells of the human body. PPL Therapeutics has taken fully mature cow skin cells, reprogrammed them to become stem cells, and then converted these to heart cells.

Mooney presents Dr. Irving Weissman as a disinterested party, identifying him only as a "Stanford pathologist." Yet Weissman has appeared in commercials urging Californians to vote for California's Proposition 71 which would give $3 billion only to ESC research—much of it Weissman's. Mooney quotes Weissman saying, "Scientifically, there is no independently verified evidence today that a pure stem cell of one type—adult tissue, say blood forming—can turn into another tissue at all." Yet a search reveals a slew of studies having done just that. One study appeared in *Nature Medicine* in November 2000 where marrow stem cells from mice were converted into mature liver cells in the same animals. Among the co-authors: Irving Weissman.

Michael Fumento
Senior Fellow
Hudson Institute
Washington, D.C.

Chris Mooney responds:

Michael Fumento claims that an impressive number of studies have show adult stem cells to be capable of transforming into different tissue types. Yet, as I argued, while some studies have indeed suggested adult stem cells have such a capability, this claim—known as transdifferentiation—is extremely controversial. Top scientists say the studies in question aren't necessarily reliable. One needn't turn to Stanford's Irving Weissman for this point, even though he's in many respects the godfather of adult stem cell research. Distinguished cell biologists Elizabeth Blackburn and Janet Rowley, one a former and one a current member of the President's Council on Bioethics, have cautioned that "many of the reports on the properties of cells differentiated from adult stem cell preparations are to date preliminary and incomplete."

Small time lawyers

In his riff about trial lawyers and small businesses ("Tilting at Windmills," October), Charles Peters could have included the following:

According to a 2002 survey by the Association of Trial Lawyers of America, three-quarters of our members work in firms with five or fewer lawyers. Fully one-third are solo practitioners. In short, these lawyers run small businesses.

The public may think that most lawyers are wealthy, but it isn't so. According to the 2003 numbers from the Bureau of Labor Statistics, the mean annual income for lawyers was $108,000. According to ATLA, a third of our members earn less than $100,000. Twenty percent earn less than $75,000.

They're small businesses, and as such they share the many concerns of all small businesses.

Todd Smith
President
Association of Trial Lawyers of America

Me too drugs

In "Trial and Error" (October), Merrill Goozner criticizes the idea that FDA approval be denied to any drug that offers trivial advantages over drugs already available, but he fails to suggest two strong criticisms: One, a "me too" drug can offer competition to a similar drug even though it isn't a generic equivalent. For example, most patients with high cholesterol can be treated with any of the commonly prescribed "statin" drugs, though some are stronger than others. And if several drugs are available, there are alternatives if one turns out to cause problems that show up only after a few years on the market. Baycol, a "statin" that has been withdrawn, is one example—patients could easily switch to other medicines.

I agree that the pharmaceutical industry spends a lot of money developing "me too" drugs and even more promoting them, but I value having choices within a class of drugs.

David Grant, M.D.
San Antonio, Texas

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Editor's Note

By Paul Glastris

Since its first issue in 1969, *The Washington Monthly* has had two main aims: To explain the myriad ways in which power is wielded in Washington, for good and ill, and to be an in-house critic of liberalism, pointing out where the progressive side is wrong and how it can correct itself. The downside of this mission is that one's stories are not always appreciated by those in charge. The upside is, you're never out of work.

These days, we clearly have our work cut out for us. The Republican Party has now tightened its control of all three branches of government. And President George W. Bush has interpreted his victory as a mandate to engineer sweeping changes in the structure of government—giving more power to conservatives' corporate cronies, privatizing much of the public sector, and trying to secure total GOP rule for years to come.

Meanwhile, liberals are left with the feeling of not just having been beaten, but conquered—and by an opponent who, given his record of spectacular policy failures, should have lost. Yes, Democrats did plenty of things right. They waged a united fight, raised a lot of small-donor money, and began to build a new opposition infrastructure. And yes, there is plenty of blame to go around, from an admirable but not widely loved presidential candidate to his stunningly ineffective strategists. But at this point, it requires a willful act of self-deception not to see the deeper problem: conservatives have won the war of ideas—and have done so in part because progressives offered no compelling vision of their own.

Coming up with such a vision is not easy. But it's not *that* hard. Conservatives have one, whether you agree with it or not. Progressives had one in the form of the New Democratic agenda that Bill Clinton campaigned on and governed by. That agenda did not emerge from nowhere in 1992. It was the fruit of years of tough debate among reform-minded center/left politicians, citizens, scholars, and journalists—a debate carried out, among other places, in the pages of this magazine.

Now, it's time to renew that debate, and we at the *Monthly* aim to be at the center of it, by doing more of what we do best: uncovering the evolving ways power works in Washington, and discovering the new ideas that can drive the country forward.

In the latter category—the vision thing—we have three offerings in this month's issue. First is a roundtable conversation about the future of the Democrats ("What Now?" page 20) with some of our favorite writers and thinkers, including E.J. Dionne, Walter Shapiro, Ed Kilgore, Michael Tomasky, and Jim Pinkerton. Second is a profile by David Sirota of Brian Schweitzer, Montana's new Democratic governor-elect. Schweitzer triumphed in one of the reddest of red states by rallying hunters, fishermen, and small business people against the GOP politicians and lobbyists who have long dominated the state's government. If you think there's a lesson there for progressive politicians all over the country, you're right. Third is David Whitman's deeply-reported piece ("Partly Sunny," page 31) about how environmentalists stubbornly blocked the one Bush administration proposal that would have reduced air pollution dramatically, the Clear Skies Initiative. Like I said, when the left gets it wrong, we point it out.

In the former category—how Washington works—we present this month's cover story, by editor Amy Sullivan ("Bob in Paradise,"page 25). It's an in-depth look at Washington's most powerful conservative pundit, Robert Novak, and how insiders on both sides of the aisle give him a free pass for ethical lapses—like outing an undercover CIA operative—that would sink any other columnist. Also, check out the delightful piece by Ayelish McGarvey ("Evangelical Elitists," page 11), on the church where top Beltway conservatives such as Tucker Carlson go to worship without having to associate with the *hoi polloi*.

Finally, as in every issue, we explore the political sociology of American culture. This month, managing editor Christina Larson critiques the new movie about Alfred Kinsey and asks why social conservatives persist in seeing the late sexologist as the spawn of Satan. And famed comic book journalist Joe Sacco serves up the final installment of his presidential campaign coverage, "Meanwhile in America" (Sacco fans take heart; we will republish the entire series in book form next year).

No getting around it: This is a dark and difficult moment for America. But it's not a time to despair. Rather, it's a time to think. ◆

Paul Glastris is editor in chief of *The Washington Monthly*.

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Tilting at **Windmills**

by **Charles Peters**, founding editor

Jane's moral values

Moral values are sweeping the country—or so we are being told. A smidgen of skepticism is suggested, however, by a poll recently conducted by *Jane* magazine. It asked its readers, women in their twenties, if they cheated on their boyfriends or husbands. Fifty-three percent replied in the affirmative, up from 34 percent in 1999. Of course it must be conceded that the readers of *Jane* may constitute a special subset of the general population. When asked "What is your major recurring health problem?" the one identified most often by *Jane*'s readers was "hangovers."

It gets lonely out here

If you want a sample that is perhaps a bit more representative of red-state America, consider Churchill County in rural Nevada. It voted for Bush, of course. But it also, according to the AP, voted 2 to 1 to reject a ballot proposal that would have made prostitution illegal.

Where was *he* during the campaign?

After the election, two things happened that I found close to heartbreaking. One came at the point in Kerry's concession speech when he said, "I wish I could take each of you in my arms…" There was something so touchingly genuine about him at that moment that I couldn't help wishing that he had shown more of this side of himself during the campaign.

Another was when I read in *Newsweek* that, when it became clear that the lies in the Swift Boat ads were doing serious damage, Julia Thorne told her daughter Vanessa that she was willing to break her silence about her relationship with John Kerry and speak out publicly against the ads. She knew how Kerry had suffered, that she "had seen the scars on his body and heard him cry out in his nightmares." But the geniuses that ran the Kerry campaign said not to bother, they were taking care of the matter.

Bush v. Jesus

One seldom-noted shortcoming of the Kerry campaign was its failure to use humor. It was *Mad* magazine, not the Democrats, that came up with this parody: "The Bush Campaign's TV Commercial If He Was Running Against Jesus."

"Jesus of Nazareth says, 'Judge Not that you be not judged.' Jesus is soft on crime."

"Jesus says: 'Render therefore unto Caesar the things which are Caesar's.' Jesus will raise your taxes."

Help wanted

The greatest need of the Democratic Party is another Will Rogers. The cowboy comedian's partisan sympathies were unconcealed: "I'm not a member of any organized political party. I'm a Democrat." And he knew exactly why he wasn't on the other side: "I really believe that if it came to a vote whether to go to war with England, France and Germany combined or raise the tax rate on incomes over $100,000, [the Republicans] would vote for war."

Rogers could get away with saying things like this and still be regarded as the most beloved figure of his time—the '20s and early '30s—because he spoke with gentleness and warmth. Acid never touched his tongue. And his points were always clear because they were always expressed in terms of down-to-earth common sense.

Furrowed brows

Unfortunately, as we all learned, clarity eluded Kerry even more successfully than humor. I remember that, on his third day of trying to blame Bush for the looted munitions dump in Iraq, Kerry was mired in trying to explain rebuttals and sur-rebuttals of his case. The audience looked perplexed. Even the party diehards on the platform behind the podium were furrowing their eyebrows as they cast puzzled glances at their neighbors.

When the truth gets tough

An American doctor at the Landstuhl Hospital in Germany, where 16,000 wounded, injured, or sick soldiers from Iraq have arrived since the war began in March 2003, said this about the American public: "They have no idea what's going on here, none whatsoever." He was treating a 27-year old soldier who had been rushed to the intensive care unit.

"Plugged to a respirator, the soldier lies naked in the bed, his pelvic area covered in a towel. A roadside bomb 12 hours earlier left deep burns on 20 percent of his body, a punctured lung, and a broken leg. His chances of survival are roughly 50-50.

"His seared hands are sliced open to prevent the need for amputation due to swelling. His dead skin is scraped off, a gel is spread thick to prevent infection, and his arms are wrapped in thick, white bandages."

I found this story in the *Toronto Star*. Why doesn't the American press do more to tell the public about our wounded soldiers? We looked at the major newspapers from August through October, and could find only a handful of articles that give any idea of the suffering.

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The early vote

Turnout for the November election was, as we all know, very high. What is less well-known is that turnout for the primaries was very low. According to Curtis Gans of the Committee for the Study of the American Electorate, "turnout in states which held primaries for both parties reached a record low." This is, not to put too fine a point on it, crazy. The presidential candidates we choose in the primaries are the ones we're stuck with.

Even Wolfowitz got one

Pay-for-performance is a concept that has a novel definition in the federal civil service. According to the Merit System Protection Board, "merit" raises are now given to 99.91 percent of eligible employees. This, by the way, has been true for many years. I wrote about it in the first edition of *How Washington Really Works*, which was published in 1980.

Go directly to jail

If you were charged with bicycling on the sidewalk at night without a headlight, an offense that carries a maximum fine of $100, what would you think is a reasonable amount of bail? Judge Henry R. Bauer of Troy, N.Y., decided that $25,000 was just the right figure. When the defendant couldn't pay it, the judge jailed him for seven days, until the defendant finally pleaded guilty. He also neglected, according to Andy Newman of *The New York Times*, to "tell the man he had the right to a lawyer." It seems that there have been 26 separate cases in which bail of $10,000-$50,000 was required by Judge Bauer for similarly minor violations of law. This was too much for his fellow jurists, who are notoriously tolerant of the foibles of their brethren on the bench. The New York State Court of Appeals removed Judge Bauer from office.

...And stay there

I pray that a similar fate awaits Judge Judith Retchin of the D.C. Superior Court. She sentenced Jonathan Magbie to 10 days in jail for marijuana possession. A trifle severe, you say, but not bad enough to get exercised about. But wait till you hear another fact: Magbie is a quadriplegic with severe breathing problems. I should say "was" because he died in jail. A physician had asked Judge Retchin to issue an order to hospitalize Magbie. But she refused, saying she "lacked the authority to issue any such order." But she did have the authority to release him so that his family could take him to the hospital.

I fought the law, and the law won

From time to time, I have complained about the inability of the civil service to get rid of bad apples. Here's a recent example.

Last month a deputy U.S. marshal was charged with murder. While off-duty, the marshal, Arthur Lloyd, had been involved in a Maryland parking lot dispute that ended when he shot the other party, Ryan Stowers, four times, first in the leg as they were standing in the lot and then in the back. Stowers did not pull a gun or any other weapon, and was shot in the back as he tried to drive away.

The marshal had kept his job for 28 years, despite a record of bizarre behavior. According to *The Washington Post*, he had once made a $10,000 payment to a federal prisoner to settle a lawsuit in a case in which he had tied the prisoner's hands and feet, verbally abused him, and read him passages of the Bible. His wife had twice sought restraining orders against him, alleging in one that "he broke the kitchen door with her head." Another time, his son called the police to report his father had thrown him through a window. He had told his wife "he could do anything he wanted because he is a US marshal."

Apparently the Marshals Service agreed. His only punishment was a suspension, even though added to his violent behavior was what the service itself called "a shoddy attendance record."

Bible Belted

We all know about the effort the GOP made to reach religious voters. But you may not have heard how far they went in West Virginia. A mailing to that state's voters with the return address of the Republican National Committee showed a Bible with the word "BANNED" over it, and a photo of a man placing a ring on the hand of another man with the word "ALLOWED" over it, followed by "Vote Republican to protect family values."

Republican National Commit-

IT GETS LONELY OUT HERE

We're told that moral values have swept America, especially the red states. But consider Churchill County in rural Nevada. It voted for Bush, of course. But it also, according to the AP, voted 2 to 1 to reject a ballot proposal that would have made prostitution illegal.

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tee chairman Ed Gillespie, in the great tradition of Karl Rove, told the Associated Press "he wasn't aware" of the mailing. But then, in a burst of candor, added "it wouldn't surprise me if we were mailing voters on the issue of same-sex marriage."

We weren't already doing that?

Last month we noted how it had taken the government three years after 9/11 to create a defense command to protect Washington, D.C. Now comes news of three other painfully slow responses to clear danger.

Almost immediately after 9/11, administration critics began to point out the need to protect air cargo from terrorists. Three years and two months later came this report from the AP: "The government unveiled a plan yesterday to tighten air cargo security by checking the backgrounds of workers who handle freight, and to restrict access to sectors of the airport used in loading cargo."

Chernobyl, Illinois

Another obvious target for terrorists is nuclear power plants. It is known that potassium iodide pills protect against a dangerous contaminant that can result from such attacks, the one that caused the epidemic of thyroid cancer in Europe after the Chernobyl explosion of 1986.

11.5 million of these pills have been produced. One question is whether that is enough, but much more troubling is that we don't have a plan for distributing them. Although the National Academy of Science has found that the pills "should be available to everyone at risk of significant health consequences from the accumulation of iodine in the thyroid in the event of a radiological incident," no guidelines have been issued as to how the pills are to be dispensed.

Pay-for-performance is a concept that has a novel definition in the federal civil service. According to the Merit System Protection Board, "merit" raises are now given to 99.91 percent of employees.

Officials of the Department of Health and Human Services told Matthew Wald of *The New York Times* that guidelines are "in the process of final clearance and will be shared with state and local officials for comment in the near future." One has to wonder how long it will take to get the final clearance, obtain those comments, and actually issue the guidelines. Delay is maddening because, to be effective, the pills must be taken within hours of exposure. They can't be taken if they haven't been distributed.

List-less

Another clear need after 9/11 was to complete a single, consolidated watch list for working-level government employees to use to identify suspected terrorists. Now, according to Robert Bladger and Gary Falk of *The Wall Street Journal*, "dozens of agencies from the Federal Aviation Administration to the Federal Bureau of Investigation use lists that contain outdated or incorrect information, and even contradict each other."

The inspector general of the Department of Homeland Security reports that efforts to consolidate the watch list have, in the *Journal*'s words, "badly foundered." The more you look at the facts, the more amazed you are at the public's faith in the Bush administration's ability to protect us against terrorists.

What will he say next?

Last month we featured the Republicans' power behind the throne, Grover Norquist, on the World War II generation as un-American. Now we have him holding forth on the Democrats as eunuchs. I'm not kidding.

"Once the minority of House and Senate are comfortable in their minority status, they will have no problem socializing with Republicans. Any farmer will tell you that certain animals run around and are unpleasant, but when they're fixed, they are happy and sedate."

Long day

An American Connection commuter plane crashed near Kirkville, Mo., in October. The pilot, first officer, and 11 of the 13 passengers were killed. "The captain and the first officer were on their sixth flight of the day," according to the National Transportation Safety Board. They had been working for nearly 15 hours. Does this make any sense at all? It reminds me of the harm done by overworked medical interns and residents.

We're waiting, Mr. president

Remember during the debates when Bush was asked why he had blocked the importation of drugs from Canada, he replied, with his usual devotion to the truth, "I haven't yet." Perhaps he forgot that throughout his administration, his secretary of Health and Human Services, Tommy Thompson, has had the power to allow people to buy less expensive drugs from Canada, but has explicitly refused to exercise it.

Bush went on to say, "it may very well be that in December, you'll hear me say, 'I think that there's a safe way to do it.'" It is now December.

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Trickle-down incentives

In addition to the "merit raises" mentioned earlier in this column, the Transportation Security Administration awarded cash bonuses to its staff last year. In a Republican administration, you may not be surprised that 76 percent of the executives were deemed deserving, but, reports *The Washington Post*'s Stephen Barr, "only three percent of the rank and file employees."

Livin' at the Savoy

Speaking about how people at the top take care of themselves, it has recently been revealed that Riggs Bank provided its chairman, Joseph Allbritton, with a two-story apartment at London's Savoy Court, "chockful of precious artwork and antiques," according to *The Washington Post*'s Terence O'Hara, with "maid service, room service, and a standing order for flowers" provided by the posh Savoy Hotel next door.

Allbritton was also provided with a Gulfstream V, at a cost to the company of $39.2 million, that he used to fly to London and to his homes in Texas and California. His son Robert also had access to the jet. In 2003, for example, Robert flew his entire wedding party to the Caribbean, and then used the plane for his honeymoon.

Flu shot panic

What can be learned from the great flu shot panic of 2004? Clearly the government must guarantee the manufacturer that the necessary number of flu shots will be purchased at a price sufficient to assure the manufacturer that he won't lose money.

Beyond that, the FDA has to do a better job of checking with regulatory agencies in other countries. This time, the agency relied on a plant in England to tell it of any problems. If the FDA had asked its British counterpart, the Medicines & Healthcare Products Regulatory Agency, it would have found out that there were plenty of problems. Why didn't the FDA ask?

"We followed standard procedures and this is the way we have always done it," explained the FDA's Lester Crawford.

Another lesson is that where shortages are threatened, the CDC should have the power to order that shots be given first to the people who need them most and then according to a fair system of priority. It also should be able to allocate the vaccine so that supplies are available to meet those priorities. This year's shortage was clear by early October. But the CDC failed to act, and on Oct. 16, a *Washington Post* headline told us "Flu Vaccine Allocation in Area Haphazard, No System Exists for Haves to Share Supplies with Have-nots."

The CDC should also be responsible for telling people what's going on. As late as Oct. 21, Gardiner Harris of *The New York Times* reported "local and state officials are complaining that their federal counterparts have given them almost no information to deal with the shortage."

The problem is that the CDC did not want these responsibilities. Its director, Dr. Julie Gerberding, said "imposing federal controls over this process would probably make a big mess." It was already a big mess, Dr. Gerberding. If government did not fill the need, who would? Some things simply have to be done by the government. The real question is not whether government should do them, but how to make sure government does them right.

Finally, on Nov. 10, Dr. Gerberding overcame her market principles and announced a plan for rationing the vaccine according to need. By this time, the CDC controlled only

The Washington Monthly's

Monthly Journalism Award

Steve Suo

"Unnecessary Epidemic"
Portland Oregonian
October 3, 2004

This astonishing series, one of the best pieces of reporting published anywhere this year, makes a convincing case that the FDA, by deregulating a pair of chemicals at the behest of the pharmaceutical lobby, has contributed to the crystal meth epidemic now plaguing rural communities around America. Crystal meth, a devastatingly addictive drug, is made, usually in crude backyard labs, by synthesizing several commercially available chemicals, most crucially two called psuedoephedrine and ephedrine. Four years ago, these two chemicals were illegal—but the FDA legalized them, after heavy lobbying by pharmaceutical companies who wanted to use them, in less potent form, in cough remedies like Sudafed. After the chemicals were made legal, Suo convincingly documents, crystal meth production soared—as did deaths, arrests, and rehab visits caused by the drug. Peter Reuter of the University of Maryland, one of the nation's most respected drug policy analysts, called the *Oregonian*'s findings "startling."

The Monthly Journalism Award is presented each month to one or more newspaper, magazine, radio, or television stories (or series of stories) that demonstrate a commitment to the public interest. We are particularly interested in reporting that explains the successes and failures of government agencies at all levels and of other institutions such as the media, corporations, unions, and foundations that contribute to the existence or solution of public problems. Please send nominations (including a copy of the article or broadcast text) to The Washington Monthly Journalism Award, 733 15th Street, NW, Suite 520, Washington, DC 20005. Or email us at editors@washingtonmonthly.com.

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10 million of the 50 million shots that were available in early October. Furthermore, the CDC is allowing freelancers like New York mayor Bloomberg to import the vaccine from abroad. Your ability to get a shot may depend less on your need than on the enterprise of your mayor. So far a lot of people have been getting the vaccine who are not exactly priority cases, including many twenty-something congressional aides, not to mention many of their healthier bosses.

Unfortunately, as a state official put it to *The Washington Post*'s Ceci Connolly, "several million high-risk Americans" will not be getting it.

When monster trucks attack

One reason to proceed with caution on tort reform is that good lawyers and sympathetic jurors sometimes provide the only way to get the bad guys. Here's an example.

Jim Hoebeck was recently killed when his car was smashed into by one of those pickup trucks that have been jacked up by their owners so that they loom menacingly over ordinary vehicles. A jury found liable the driver-owner who had installed the suspension lift *and* the company that manufactured the lift kit. Since there are no laws forbidding these lift jobs, lawsuits are the only way we can protect ourselves—and we need protection.

In one state, Virginia, police statistics show that, according to *U.S. News & World Report*'s Danielle Knight, fatality rates, on average, were 29 times as high for crashes involving modified pick-ups as for those involving ordinary trucks.

Fannie Mae's Ken Lay

Last month we noticed how Fannie Mae had cooked its books by moving losses to another year so that generous bonuses could be paid to its executives, including chairman Franklin Raines. We neglected to report the kind of bonuses to which Raines has become accustomed. In 2002, the bonus was $3,300,000. According to a House subcommittee, his total compensation for that year, including the bonus, his salary, fringe benefits, long-term compensation, and stock options, was $17,732,650.

Why doesn't someone create a television series that tells the truth about most law practice, with the hero struggling to keep his eyeballs from glazing over as he plows through one boring law book after the other looking for the answer to some abstruse question of tax or corporate law?

Rockefeller Republicans

One of the television networks featured a profile of the most distinguishing characteristics of the Bush voter. He was male, white, Christian, and enjoyed an income of more than $100,000 a year. A study by Paul Nyden of my hometown paper, the *Charleston Gazette*, confirms the last finding, and adds another interesting fact: Voters in more affluent Kanawha County neighborhoods tended to vote in higher numbers and cast the majority of their votes for President Bush. The higher numbers meant victory for President Bush, who carried the county 43,777 to 42, 231. Holz Elementary School, which serves the home of Sen. Jay Rockefeller (D-W.Va.), had the highest percentage of registered voters voting in the county. And I know the precinct well enough to know the senator is not surrounded by Kerry supporters.

Boring v. interesting

"Since 1975, South Carolina has lost nearly half of its African-American teachers," reports Gina Smith of Columbia's *The State*. "The downward spiral flies in the face of a growing body of research that says minority students do better in class when taught by teachers from their same racial or ethnic group." Smith illustrates the point with an African American named Quincy Samuel, who teaches his fifth grade students with rhymes about Juneau, Alaska, Dover, Del., and other capitals set "to a thumping beat."

The reason for the decline in the number of black teachers is, of course, the same reason many brilliant women who taught when I was young do not teach today: Educated blacks have many other opportunities. There are two answers to this problem. One is the familiar one of better pay for teachers. The other, however, is not nearly as well known and it is just as badly needed. It is for us to get across to bright young people of all races that teaching can be much more interesting than many of the jobs that now seem more alluring to them. Consider the practice of law. Why doesn't someone create a popular television show that depicts the hero struggling to keep his eyeballs from glazing over as he plows through one boring law book after the other looking for the answer to some abstruse question of tax or corporate law?

Just the standard equestrian perk

Common sense would suggest that *The Wall Street Journal*'s readers are a bit better off than the average American, but in case you need evidence, a recent article by Sue Schellenberger offers this helpful hint on how to cope with the rising cost of child care:

"In another case, a family was able to hire a nanny for a lower salary by giving her free access to the family's riding horse."

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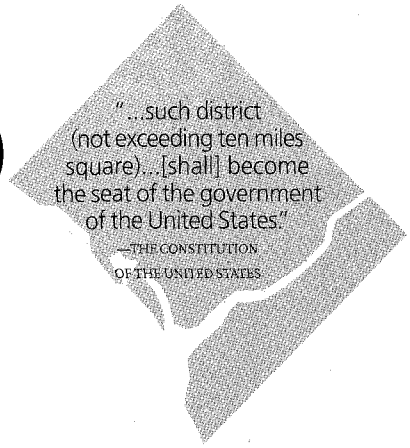
10 MILES SQUARE



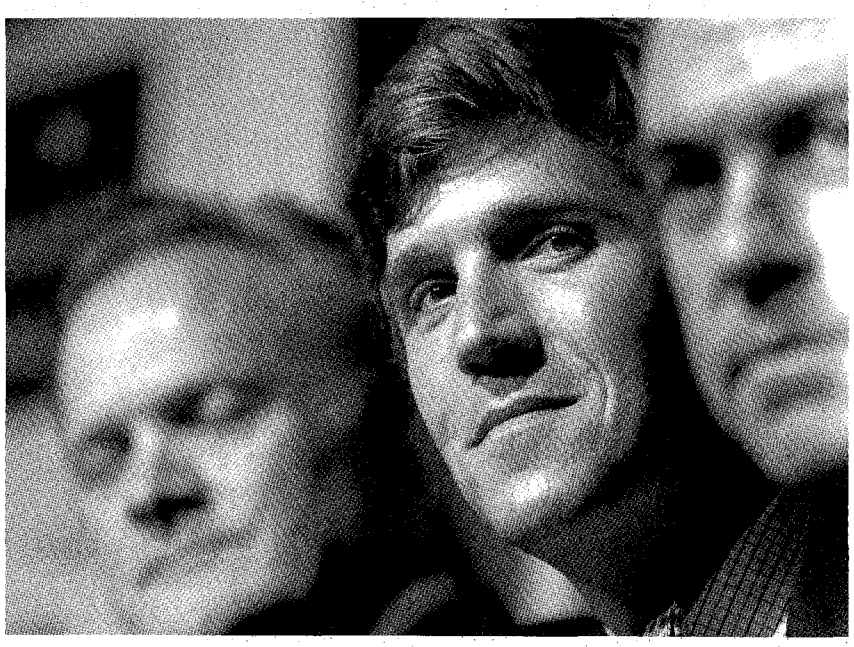
Evangelical Elitists

The exclusive church where Washington's conservative power brokers pray.

By Ayelish McGarvey

The widely-agreed-upon lesson of the '04 race is that the Democratic Party's Beltway leaders were too insulated in their elite bubble to understand the evangelically-tinged culture of red America. Yet one of Washington's dirty little secrets is that its GOP leaders live in a very similar bubble. Few of them, for instance, would be caught dead in one of the down-market mega churches that have been cropping up in the exurbs of greater D.C. Rather, on any given Sunday, if you want to rub elbows—or touch knees—with Washington's conservative power elite, the place to go is The Falls Church, an old, tony Episcopal parish in the leafy northern Virginia suburb of the same name.

The Falls Church is actually two houses of worship in one. The old church, built in 1769, is a quaint, red brick Federalist building straight out of Colonial Williamsburg. Inside its spartan white-walled sanctuary, priests don long robes and clerical collars, and an organist pounds out hymns from the official Episcopal hymnal; many of the tunes date back to the 18th century when George Washington himself worshipped here. But behind the old church, amidst a parking lot filled with Volvos and Subaru Outbacks, is a bigger, newer church, tastefully made to look old, with lush strands of ivy cascading down pillars. The inside is laid out amphitheater style with floor-to-ceiling windows that bathe the vast sanctuary in sunlight. The priests wear suits, and although they still recite the Nicene Creed and the rest of the traditional Episcopal liturgy, they mix it up with characteristically evangelical, ad-libbed prayer. Instead of organ music, there is a "worship team" of guitarists, vocalists, and a drummer. Occasionally the congregation—the women in pearls and khakis, the men in blue blazers and khakis—clap along to the songs, or lift their hands up, although their pew mates sometimes look slightly uncomfortable at such overt expres-



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sions of praise.

These are the Sunday school nerds of yore, the kids who memorized their Bible verses before everyone else. They went to graduate schools and worked on Republican Senate campaigns. And now they have their very own church. That man walking in with the soft, slightly chubby face and horn-rimmed glasses, with his son dangling from his arm—it's Michael Gerson, the president's chief speechwriter! And that tall guy with the bow tie—it's Tucker Carlson! Indeed, The Falls Church membership directory reads like the White House Christmas card list. CIA director Porter Goss and his wife, Mary, are members. So are *The Weekly Standard*'s Fred Barnes and Robert Bork Jr. Rep. Jack Kingston (R-Ga.) belongs to the church. So does Rep. Robert Aderholt (R-Ala.), who counts among his constituents Judge Roy "Ten Commandments" Moore. The congressman has dutifully introduced the Ten Commandments Preservation Act in every session since he entered Congress in 1996. But on Sundays, he worships at The Falls Church where he can get a taste of evangelicalism without having to associate with run-of-the-mill evangelicals.

There are no overhead projectors or Good News Bibles at The Falls Church. And that liquid in the communion chalice is Taylor's Vintage Port, not the grape juice they serve down the street at the Baptist church. "This isn't a watered-down mega church," observes Joseph Loconte, a Heritage Foundation fellow who has attended the church. "Theologically and aesthetically, it draws a certain kind of believer." One parishioner told me that, before discovering The Falls Church, "I had been to a number of evangelical churches, but frankly, I didn't relate to the people." Another confided that evangelical churches can be "kind of wacky," but that The Falls Church stands out because "the faith is more intellectually grounded."

The unique feel of The Falls Church is due in part to Virginia's quirky Episcopal history: Early churches in colonial Virginia grew up unfettered by Anglican bureaucracy, and stayed true to their revivalist roots. They were consequently free to focus intently on an individual's conversion experience—a common denominator of evangelicalism. Two hundred years later, The Falls Church seamlessly incorporates its stodgy Episcopal heritage with a vibrant, contemporary evangelicalism. It's a heady fusion of power and praise.

The stress, however, is often on the power. While liberal churches preach about the dispossessed and evangelical churches focus on the unsaved, The Falls Church very consciously aims its ministry at the ruling class. Among other things, the church sponsors a fellowship program for recent college graduates that combines theological coursework with internships at lobbying firms and think tanks like the Heritage Foundation. On the Sunday after the election, the rector, Reverend John Yates, gave a sermon on the idea that Christians are called to live their faith not only in private, but in their professional roles as well. The theme is central to the church's theology, if not the entire Christian conservative movement. "[Congregants] have a broader view of calling and vocation," says Loconte. "The committed Christian person is not necessarily called to work as a missionary or as a pastor, but perhaps is putting in 70-hour weeks at the White House."

The Falls Church wasn't always a conservative redoubt. Indeed, in years past, there wasn't much politics there at all, and the church drew members from across the ideological spectrum. But as with so many institutions in Washington, the days of bipartisanship ended when conservatives came into the majority. The Falls Church officially opposes gay marriage and civil unions, and embraces the belief that homosexuality is a choice. (A bundle of pamphlets near the entrance trumpet the work of an outside organization named Regeneration, a group seeking to "cure" homosexual men and women.) The Episcopal Church USA's decision last year to elect its first openly gay bishop drew howls of protest from The Falls Church clergy and most of its congregants. Last summer, the vicar, Kim Swithenbank, gave four sermons in a row on the subject, prompting many of the parish's remaining liberals to leave the church.

But there are limits to how far The Falls Church faithful will stand up for principle. Many members, for instance, would like to see the church secede from the Episcopal Church USA, as a few other conservative congregations have already done. But because the church building and property are owned by the diocese, the congregants would be forced either to migrate to one of the mega churches (banish the thought) or to build an entirely new church of their own, one where George Washington did not worship. So for now, while they may preach against the liberal-homosexual onslaught, the clergy and laity of The Falls Church will be staying right where they are.

Ayelish McGarvey is a writing fellow at *The American Prospect*.

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Paranoid Style

Sen. Wellstone's death was an accident? Yeah, right.

By Justin Peters

"Conspiracy is as American as apple pie!" says Jim Fetzer. "When two guys knock over a 7-11, they're engaging in a conspiracy. It happens all the time." Fetzer, a professor of philosophy at University of Minnesota-Duluth and the author of several books on conspiracy and assassination, is a self-professed expert on the topic, a luminary in the world of cabal-and-cover-up publishing. Which is why, on a bright, windy afternoon in late October, Fetzer is standing before a podium in a small conference room at Washington's National Press Club. Two years ago to the day, a small charter plane carrying Paul Wellstone, his wife and daughter, and several campaign aides crashed in a remote part of Minnesota, killing all aboard. Today, Fetzer is marking the anniversary of Wellstone's death with the release of his latest book, co-authored with Northern Arizona University professor Don "Four Arrows" Jacobs, titled *American Assassination: The Strange Death of Senator Paul Wellstone.*

There are about 15 people in attendance at the press conference, most of who seem to be the authors' friends and colleagues. They listen attentively to Fetzer's theories and nod along to his frequent digressions on the press ("Logic and evidence are not the strong suit for the American media") or John F. Kennedy's assassination ("The Zapruder film was recreated"). But they are most receptive to his main point, which is that Wellstone's death was no accident. As conspiracy theories go, the one limned in *American Assassination* is pretty simple: An electromagnetic pulse device, or "EMP," was used to kill the plane's instruments and cause it to crash, whereupon the FBI rushed to the scene and removed the cockpit voice recorder. Afterwards, the National Transportation Safety Board (NTSB) covered everything up with a rushed, perfunctory investigation blaming the crash on pilot error—a finding at which Fetzer scoffs. Noting other elected officials who have died in small plane crashes in recent years, namely the late Missouri governor Mel Carnahan, Fet-

Getty Images

The memorials came first; the conspiracy theories were next.

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zer announces, "We do believe that the use of airplanes to take out political figures is a genuine phenomenon and an example of fascism." At this announcement, several audience members break into applause. The shadowy forces behind it all? None other than "the troika that controls the White House: Karl Rove, Dick Cheney, and Donald Rumsfeld," according to Fetzer. Why? Because Wellstone, the Senate's most liberal member, was an enemy of the Bush administration's way of doing business. "He was shifting the way people were looking at politics. He was dangerous to the neoconservative agenda," claims Jacobs, his taut, intense face at odds with the colorful Western garb he is wearing.

Supporting this audacious theory is a voluminous—though somewhat rickety—scaffolding of circumstantial evidence, which Fetzer and Jacobs energetically lay before their audience during their presentation. As evidence for the use of an EMP device, they cite reports of interrupted cell-phone calls and garage doors gone haywire, as well as the expertise of one John Costella, an Australian physicist and conspiracy aficionado who collaborated with Fetzer on his last book, *The Great Zapruder Film Hoax*. (Costella's support is all the more crucial given that the man who claimed his cell phone cut out due to the EMP later retracted his statement, admitting that it wasn't unusual for phone calls to cut out in northern Minnesota). As evidence that the plane was tampered with, they rely on reports that the smoke rising from the burning plane was bluish-white, rather than the black smoke that Fetzer asserts should have risen from a kerosene fuel-based fire. Then there is the intriguing fact that the plane's co-pilot was a flight-school acquaintance of Zacarias Moussaoui. Fetzer's not sure what this means, but he's certain that it means something. "There was actually a connection between the co-pilot and Zacarias Moussaoui," he blurts excitedly.

The book itself turns out to be full of second-hand reports, character assassination—in a typical tangent, Fetzer insinuates that presidential brother Marvin Bush arranged his babysitter's death—and citations of such sterling sources as rumormillnews.net and mindcontrolforum.com. (For that matter it never explains where, exactly, the alleged EMP device was deployed or who was using it.) But in person, Fetzer sounds less like an unscrupulous author grasping at straws than a man determined to preach his truth to the world at large, whether or not the world is ready to hear it. "How many people thought that JFK was a conspiracy and that Lyndon Johnson was involved? Well, I tell you, I've done a lot of work on this, and it was a conspiracy, and Lyndon Johnson was involved," Fetzer cries, shaking his fist.

The crowd—graying radicals and true believers, with the slightly haunted air of the perpetually marginalized—seems to appreciate Fetzer's frequent JFK digressions. For them, Wellstone's demise is just one more entry in a lengthy ledger of malfeasance and subterfuge by the status quo against its assorted challengers. One man, wearing a purple jacket and a button that says "War Is Peace—Bush-Orwell 2004," belabors the Moussaoui point, agreeing with Fetzer that such a connection can't just be chalked up to coincidence. When I ask the man what he does, he says that he's the director of something called the Coalition on Political Assassination.

These are Fetzer's people—they buy his books, they buy his theories. Together they traverse the shadow world, shining lights in crevices, mistaking dust mites for dinosaurs, drowning in a miasma of never-ending questions and never-satisfactory answers. Intrinsically tragic as such a paranoid world view might be, there is something uniquely American in it, as well. The idea that a government would go to such great lengths to hide its misdeeds from the public is an essentially democratic one—few other governments in human history would take so much trouble to conceal their wrongs. And the fact that a dissenting voice can have a prestigious public forum in the nation's capital to spread views that in any other era would have been considered seditious is nothing short of revolutionary.

Whether or not this dissent is factually-based is somewhat beside the point. *American Assassination*, with its half-baked citations and X-Files outlook, will convince no one who isn't already out on that conspiratorial ledge. But for those people who are out there already, watching the world with a wary eye, it's a fortifier, a cornet calling them to soldier on. "We're not into conspiracy theories, except for the ones that are true," Fetzer notes, and even if this one isn't true, it doesn't really matter. For Jim Fetzer and his band of suspicious minds, the next conspiracy is inevitably right around the corner.

Justin Peters is an editorial fellow of *The Washington Monthly*.

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Top Billings

How a Montana Democrat bagged the hunting and fishing vote and won the governor's mansion.

By David Sirota

There aren't too many states in the union redder than Montana. George Bush won the state by more than 20 points in November. The state legislature and governorship in the capital, Helena, have been in GOP hands for 16 years. The sparsely-populated state is represented by only one congressman, the far-right Rep. Denny Rehberg (R-Mont.), and by two senators, an ultra-conservative Republican (Sen. Conrad Burns) and a conservative Democrat (Max Baucus) who often votes with the Republicans. The state's electoral votes are conceded so automatically to the GOP that neither party's candidate campaigns there. Culturally, with the exception of a few rich Hollywood types who weekend in resort spots like Big Sky, the state could hardly be further from the metro-cosmopolitan culture of the coasts. To give but one example, Montana has the highest percentage of hunters of any state in the union.

But in November, a Democrat, Brian Schweitzer, won the state's race for governor. Schweitzer not only won, but he did so decisively, beating his opponent, Bob Brown, the Republican secretary of state and a two-decade fixture in Montana politics, by a solid four points. His victory was so resounding and provided down-ballot party members such strong coattails that Montana Democrats took the state senate and four of five statewide offices.

How did Schweitzer pull off such a dramatic victory in an election year when Democrats seemed to have lost their capacity to win red states? The answer should give Democrats everywhere some hope and Republicans reason to worry.

The story begins with the man himself. If you look in an encyclopedia under *Montana: Self-Image of*, you'll find a picture of Brian Schweitzer. The grandson of Montana homesteaders, he looks the part: Schweitzer is a burly six-foot-two, always clad in jeans with a gilded silver belt buckle. Schweitzer put himself through college by mopping floors at sororities, got a master's degree from Montana State in, of all things, soil science, and then worked for eight years on irrigation projects in the part of the world that's hardest to irrigate—the Sahara Desert. When he returned to Montana in the late 1980s, he built a farming and ranching business from scratch—no small task at a time when corporate agribusiness was swallowing huge swaths of America's heartland. He is gregarious, tough-talking, and utterly without self-doubt.

But in addition to a winning personality and strong populist convictions, Schweitzer had an innovative, three-part political strategy, one that perfectly fit the current conditions in Montana—and which Democrats across the country could learn from.

First, Schweitzer took advantage of public dissatisfaction with two decades of insular one-party rule in the state capital, casting himself as an outsider and a reformer. Second, he rallied small business, usually a solidly GOP constituency, to his side by opposing the deals Republicans had cut in Washington and Helena to favor large or out-of-state corporations over local entrepreneurs. Third, and most interesting of all, Schweitzer figured out how to win over one of the most important, reliably Republican, and symbolically sig-

David Sirota currently works at the Center for American Progress. He took a leave of absence to work for the Schweitzer campaign.

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nificant groups of voters: hunters and fishermen.

Moving to Montana

To get to Whitefish from the East Coast means a series of smaller and smaller planes, until the last leg from Salt Lake City, when you are basically shoved into a lawn mower with wings. The first thing you notice when you walk out of the one-terminal Kalispell airport is that every car is dirty. For everything from a sports car to an SUV, the vastness of the state means long drives, windshields splattered with bug carcasses, and doors caked with dust.

I first traveled to Whitefish four years ago to work as a campaign consultant for Schweitzer during his first run for political office as the Democratic candidate against U.S. Sen. Conrad Burns. During those few months, I saw Schweitzer in all manner of different settings—from his speeches to school board meetings to his kibitzing with farmers at the local grain dealer's shop. It was clear this guy was a natural. On his long drives across the state in a late-model Buick sedan, Schweitzer liked listening to right-wing talk radio. Though he despised the hosts' message, he admired the way they stirred their listeners' grievances about government and liberal elites. But Schweitzer knew that those same listeners, people much like himself, had a whole other set of grievances, ones which Limbaugh and Hannity had no interest in tapping.

Everyone thought Schweitzer was just another Democratic sacrificial lamb who would get crushed in a Republican state. But he barnstormed the state as an old-school economic populist, pointing out that Burns was taking millions from drug companies and other corporate interests. At one event in the rotunda of the state capital, Schweitzer had armed guards dramatically spill a suitcase full of cash on the floor in front of reporters to illustrate how much out-of-state corporate money his opponent was pocketing. In a rally in the GOP stronghold of Kalispell, Schweitzer held up a giant check for more than $4 million made out to Burns from all the special interests that had funded his campaign.

The mint farmer had a knack for knowing how to make his points colorfully. Before nearly any professional politician had done so, for instance, Schweitzer organized the first bus trips to Canada to help seniors purchase lower-priced prescription drugs. Invited to Washington for a Democratic Senatorial Campaign Committee fundraiser, Schweitzer stood up at the event, broke Washington's unspoken protocol, and ripped into drug industry lobbyists, many of whom were in the room. While Sen. Bob Torricelli (D-N.J.) immediately tried to apologize to the crowd, Schweitzer's rant became the stuff of legends back in Montana.

A populist, insurgent's campaign like Schweitzer's was a better match for the state than many outsiders might think. Montana, as any local would tell you, finds its cultural roots in the fight between workers and corporate barons pulling strings from Wall Street. In Butte, for instance, the radical Industrial Workers of the World (IWW) union flourished at the turn of the century until executives at Standard Oil's Anaconda Copper company had organizers shot or lynched. There were more recent echoes of this same divide in the late 1990s when Goldman Sachs executives engineered the takeover—and eventual takedown—of Montana Power, one of the state's economic gems. Thousands of Montanans who owned stock in the hometown company lost their nest eggs.

Schweitzer's message cast him as the latest leader in this traditional struggle. Though he began with virtually no name recognition, by the fall of 2000, Schweitzer had pulled even in the polls. It took hundreds of thousands of dollars in last-minute ads from a panicked National Republican Senatorial Committee for Burns to eke out a 14,000-vote win over the formerly unknown mint farmer from Whitefish.

Schweitzer's near win suddenly made him the star of the state party, and, within months, he set his eye on the governorship. Soon after that, the sitting governor, Republican Judy Martz, became engulfed in scandals that indirectly made Schweitzer's gubernatorial prospects even brighter. Martz's policy advisor, Shane Hedges, wound up behind the wheel in a drunk-driving accident that killed a passenger in his car, Montana's Republican House Majority Leader Paul Sliter. As the *Billings Gazette* reported, "Martz came under fire for taking Hedges directly from the hospital to the governor's mansion, where she laundered his bloody clothes"—a move that almost got her charged with obstruction of justice. The next year, reporters uncovered evidence that two of Martz's state workers were using phones in the governor's office to raise money for Martz's political action committee.

With polls in 2003 showing her approval rating in the 20s, Martz decided not to run for reelection, and the Republican Party nominated Brown, the sitting secretary of state, in her place. Schweitzer knew this was his chance. But he knew his economic populist message was not enough. With gay marriage, medical marijuana, and environmental initiatives on the ballot, the Republicans would be relentless in calling Schweitzer a liberal Kerry clone. Conservative Montana voters had to believe that a Democrat was "one of them."

The Hunt for Red October

As I was wolfing down a bowl of cereal at my desk in Whitefish this past October, my cell phone rang. It was Schweitzer. Since he's usually up by 4 a.m., and buzzing off of two pots of coffee by 6, it was always a bad sign to get a call from him before dawn.

"When's the gun ad going up?" he demanded to

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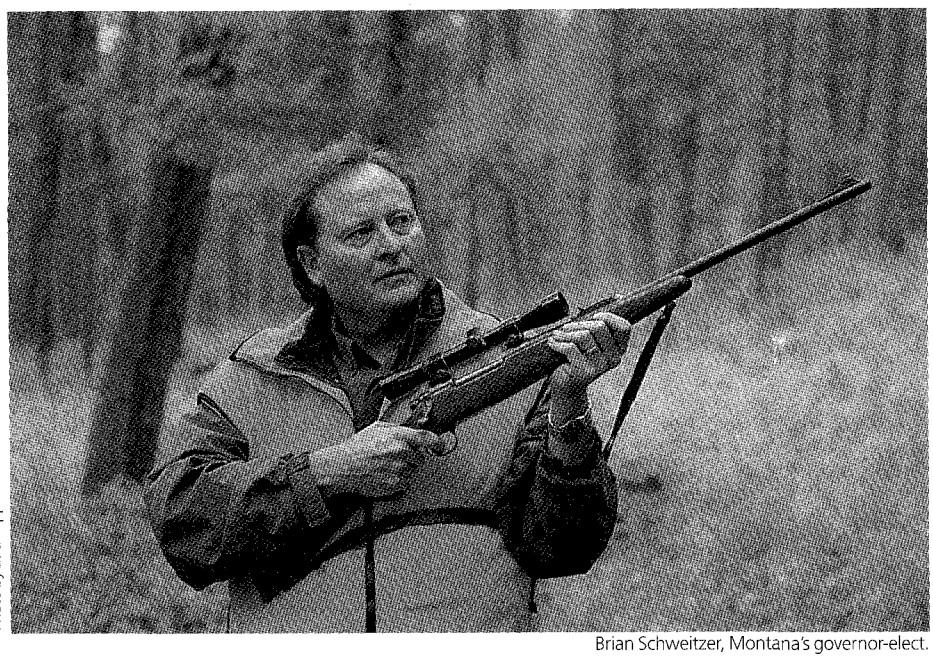

Photo by Zach Lipp

Brian Schweitzer, Montana's governor-elect.

know without a hello, the caffeine making his voice quiver ever so slightly. He was calling from the side of a rural highway where his single-engine plane had been forced to land because of bad weather. But all he wanted to talk about was the gun ad.

"Ahh... I can check with—"

"Listen to me very carefully, and get your head in the game," he said, voice rising. "No matter what our major ad of the week is, I want that damn gun ad running under everything! I want it in every media market, and I want it on TV and radio. The next time I call, I want to know it's happening."

The phone clicked off without a goodbye. I knew he was right. Just a few days earlier, campaign manager Eric Stern, press secretary Harper Lawson, and I went out to Schweitzer's ranch to shoot clay pigeons with his 12-gauge, lamenting the fact that in 2000 we hadn't put enough money behind a gun-and-outdoorsmen message. We laughed about how, when I came out to Montana for the first time, some of my D.C. friends were appalled that I was working for someone who had actually criticized people like Sen. Larry Craig (R-Idaho) for being too soft on gun-ownership issues. But, four years later, I understood how well Schweitzer's stance fits Montana, where gun ownership is a way of life. People don't like to be told that their way of life needs to be changed, especially in a state that has one of the highest gun ownership, and one of the lowest gun violence rates in America.

Pollster Michael Bloomfield's numbers validated this point. He often reminded us that guns and hunting issues not only polled well among hunters, but also among women, who saw it as a "Montana values" issue. Though an August internal poll showed we were never going to beat the Republicans on gun-rights issues alone, that same survey showed more voters thought Schweitzer "shared their values" than did Brown. In other words, matching the Republicans on gun-ownership and outdoorsmen issues was allowing us to make headway on the intangible question of whether Schweitzer was "one of us."

Our media consultant, Karl Struble, cut an ad showing Schweitzer and his brother Walt decked out in hunting gear, trudging through the woods with rifles; the spot trumpeted Schweitzer's A-rating from the NRA, aptly titled "Lifestyle." (We joked that, instead of the audio tracks, Struble could have put the "Dukes of Hazzard" theme music over the visuals and run it as is.) The ad would end up appearing in every media market in the state, and, as the *Great Falls Tribune* noted, would help Schweitzer "manage to hold his own in many rural counties and Republican urban areas." In a coup, the weekly *Missoula Independent* actually ran a picture of Schweitzer aiming a new rifle on its cover with this headline: "The Democrats' Best Shot."

But if we had simply tried to argue that Schweitzer was as hawkish on guns as any Republican, we would've won magazine covers but lost the election; in the absence of indisputable proof, voters will believe that Republicans are more likely to protect gun rights. We needed to open another front with an issue that showed voters the clear difference. The candidate himself found one: land and stream access for hunters and fishermen.

To understand why hunting and fishing is such a big deal in Montana, consider this: The state has a population of 971,000; in 2001, 723,000 of those residents fished, hunted, or watched wildlife, according to a U.S. Fish and Wildlife Service survey. Though Montana has plenty of land for hunting and fishing, the residents don't take kindly to any effort to restrict their sporting pursuits. Yet throughout the Mountain West, Republicans, working with conservative think tanks, have pushed privatization and property-rights regulations that have the effect of doing just that. In the late '90s, for example, the Montana Republican Party, along with Brown's running-mate, Rep. Dave Lewis, tried to restrict the state's treasured Stream Access Law, which demands that private landowners allow non-commercial anglers to fish on streams crossing through their property. The legislature also attempted to sell off large chunks of state land, much of it prime hunting territory. And some outdoorsmen became worried that the state's deficit woes would be

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used as a Republican rationale to cut spending on public land management programs and sell off even more valuable hunting real estate.

Working with a local outdoorsmen group in Gallatin County, which includes Bozeman, Schweitzer drafted a nine-point plan to protect cherished hunting and fishing access rights on public and private lands. Among other things, Schweitzer called for keeping public lands in the state's hands, for spending more money to maintain them for hunters and anglers, and for using fees from hunting licenses to buy easements from private property owners to give sportsmen easier access to fields and streams. He unveiled this plan at a town hall meeting of conservative hunters and fishermen in Bozeman, to happy applause. Randy Newburg, a Republican who heads the Headwaters Fish and Game Association in Bozeman, effectively endorsed Schweitzer, calling access a "special" issue, and accusing Republicans in Helena of trying to "sell it off to the highest bidder."

The beauty of the access issue was three-fold. First, it helped Schweitzer make inroads with the constituency of outdoorsmen that is normally Democrat-averse. Second, it let us speak to both left-leaning environmentalists, who wanted public lands and wildlife herds maintained, and right-leaning outdoorsmen, who wanted a place to recreate and a steady population of game to hunt. This was especially important because we did not want to alienate the enviros who would be out in force on election day to vote against an initiative to permit cyanide leach mining. Stern, who had a deft sense of strategy, once pointed out, "Hunters can be some of the biggest environmentalists around, even though they don't think of themselves that way and would never in a million years label themselves that."

Third, it was an issue that would ultimately help Schweitzer draw even with Brown in Republican-leaning Gallatin County, one of the fastest growing counties in America. Like other Rocky Mountain exurbs, Gallatin had seen an influx of new residents looking to live in an area with outdoor recreation. Targeting these new residents and making them Democratic voters early are keys not only to the election at hand, but also for building a majority for the long haul.

Two days after Schweitzer's town hall meeting, *The Wall Street Journal* fronted a piece about hunters abandoning Bush because of federal land policy. Reacting to Bush's effort to drill for oil on Montana's Rocky Mountain front, the story quoted one Big Sky rancher saying, "What's turned me off on Bush is that he is trying to force his way into wild places that should never be industrialized." Schweitzer couldn't have said it better himself.

Small bidness populism

One key reason the access issue had such resonance for Schweitzer was that its propulsive, little-guy-versus-big-guy force was in perfect sync with much of the rest of his message and campaign. Indeed, our first television ads had struck this chord, featuring Schweitzer talking about his small business experience and the need to grow Montana's economy, which has the lowest wages of any state in America. The beauty was, Schweitzer's pitch didn't sound like the usual Democratic fare. Too often, Democratic boilerplate language about helping "working families" makes it sound like the party thinks of Americans as helpless victims of crushing economic forces. In truth, most Americans are proud of their ability to stand on their own two feet and compete, and that self-image is embodied by the small business person. This appeal is particularly strong in Montana where, as Schweitzer likes to remind people, 85 percent of residents own or are employed by small businesses.

While D.C. interest groups like the National Federation of Independent Business have become de facto arms of the Republican Party, at the grassroots level, employees of small businesses aren't particularly Republican, and even some small business owners are up for grabs. Sure, these entrepreneurs don't like high taxes and regulations. But many of them have felt the sting of losing customers and markets to big corporations that used their size and clout unfairly. As a small business owner himself, Schweitzer shared these frustrations and knew how to use them. He seamlessly turned questions about taxation into opportunities to argue that big-box companies like Wal-Mart should pay their fair share and shouldn't be allowed to run roughshod over local business. Education became a way to talk about how state government was hurting small business development by letting Montana's technical college tuitions become among the highest in the nation.

This line of attack was threatening enough that the Republican Governors' Association promptly got aggressive, dumping hundreds of thousands of dollars into ads using innuendo to question Schweitzer's business practices. The barrage culminated in the last week, when they aired a spot featuring three people who had done business with Schweitzer and who told the camera they thought he was "unethical."

But as polls ultimately showed, the tactics were actually driving up their own candidate's negatives. Because we had spent so much of our own ads talking about small business, and because the GOP ads were so vague, we were able to pivot back to values by painting the attacks as insulting to all farmers, ranchers, and small businesspeople, rather than a legitimate criticism of Schweitzer. (It helped that the Montana Democratic Party aired a response ad noting that one of the people attacking Schweitzer was actually Brown's own cousin.)

Lobbyists and leather couches

It was easy, of course, to run as the little guy when the big guys were messing up. Sixteen years of Republican rule in Montana, like the sustained one-party

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dominance in Washington today, had left the GOP vulnerable. Polls showed Montanans didn't think much of the legislature's performance in letting the economy bottom out and the you-scratch-my-back nature of Helena politics and lobbying. And just as Newt Gingrich in 1994 exploited Washington's lackadaisical attitude, Schweitzer did the same to Helena's career politicians.

One of the defining moments in the campaign came in late September when Schweitzer held a press conference at the state capitol to ask why Brown had spent $40,000 of taxpayer money to redecorate his secretary of state's office during a state budget crisis.

"At one end of the capitol, the governor was saying we're so short of funding we can't water the lawn out front of the capitol. At the secretary of state's office at the other end, they bought a $2,000 leather couch," Schweitzer said. And Brown's record, both in public office and as a corporate lobbyist, was helping fuel that message. The Montana Democratic Party launched a series of ads detailing how Brown had spent his career passing tax breaks for companies that, once he was out of office, became his lobbying clients. Schweitzer's message was so effective that at one debate, Brown was forced to admit he didn't really know whether lawmakers should be allowed to become corporate lobbyists immediately after leaving the legislature, as Brown himself had done only a few years before.

Schweitzer's outsider appeal was bolstered by his running mate, John Bohlinger, a Republican state senator and small businessman from Billings. Bohlinger was a perfect partner not only because he made the tandem the first bipartisan ticket in Montana since 1972 (when a new law required that the governor and lieutenant governor run as a team), but also because he was one of the few politicians in the state with the toughness and business experience to match Schweitzer's. His trademark bow-tie and soft-spoken nature hid a hard-scrabble former Marine boxer who didn't take kindly to being pushed around by his colleagues in the legislature—or by anyone else. During a campaign stop at a bar that became the stuff of legends, a young former Montana State University linebacker drunkenly told Bohlinger he didn't like guys who wore bowties. The 62-year-old replied, "I don't like guys who tell other guys what to wear." The two had to be forcibly restrained.

During an Oct. 4 debate at the state university campus in Bozeman, Schweitzer hammered on the need for a change in state government, saying that making Brown governor would be like hiring someone to fix the leaks in your roof, and then, after he had spent 26 years failing to solve the problem, having the repairman ask for four more years to do the job. "After 26 years, I'd probably find a new contractor," Schweitzer said.

The final push

When the results started trickling in early on election night, we all waited for the key indicator: Yellowstone County, composed of the state's biggest city, Billings, and its environs. Sure, it was great that Missoula, a university town, was going strong for Schweitzer—but that was to be expected from the state's most liberal enclave. It is Yellowstone County that is Montana's own Ohio, and Billings the state's Columbus—the crucial swing zones. As longtime Montana reporter Chuck Johnson pointed out, "Since 1948, all but one winner in the Montana governor's races has carried Yellowstone County"—and we had lost it decisively in the 2000 race.

There was no special way to tailor a message to Billings—in our polls, the best arguments for Schweitzer there, like everywhere, he'd been that he was pro-gun ownership and for hunting access rights, and that his populist economic message and outsider status contrasted with Brown's career as a corporate lobbyist and career politician. If you could effectively communicate that case in Billings, you could make it anywhere.

So when word came that we had won Yellowstone County by 51-45, Schweitzer knew we were going to pull it out. He had that same look I had seen when I first met him way back in 1999. It was the look of a man who reveled in trying—and finally succeeding—in doing what "experts" said couldn't be done. Sure, some of the post-election focus may turn to Schweitzer's personality and colorful profile as the key to his victory. "He can lay claim to being the only governor-elect who has to return home to move cattle and wean and castrate calves before being able to attend training sessions put on by the National Governors Association," wrote one national newsletter after the election.

But that underestimates the path Schweitzer has blazed for a national Democratic Party that desperately needs to reconnect with the working-class and rural regions its coalitions originally built from. His success in using outdoorsmen's priorities helped him bridge a cultural divide that ultimately allowed voters to hear a message they had already known deep down was true: that the GOP has sold out its small business roots and has abused power when left unchecked. As the *Missoula Independent* wrote, "Montanans, having suffered through more than a decade of one-party control of state government, have cast their ballots to bring the state back into balance."

When I arrived back in Washington after the election, I found Democrats despondent, furious and desperate to find a way to reach out to red state voters. Despite the national disaster, one message from this election is clear: Just head to Whitefish, Mont., and follow the gregarious mint farmer with a smile on his face—he's already out of the wilderness. ◆

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What Now?

A discussion on the way forward for the Democrats.

In the aftermath—and there's no better word for it—of the election, Democrats all over the country fell into despair-ridden support-group-like conversations with their friends about what had happened and what to do next. We gathered some of ours last month in a conference room at the Kaiser Family Foundation. They were: E.J. Dionne, columnist for *The Washington Post*; Ed Kilgore, policy director of the Democratic Leadership Council; James Pinkerton, fellow at the New America Foundation, *Newsday* columnist, and FOX News contributor; Walter Shapiro, *USA Today* political columnist and *Washington Monthly* contributing editor; Michael Tomasky, executive editor of *The American Prospect*; and the *Monthly*'s own editor in chief, Paul Glastris, and editor, Amy Sullivan.

What do Democrats want?

GLASTRIS: What do Democrats want? Aside from universal health care, it seems the only thing Democrats publicly talk about is an agenda for not losing the things they already have—the right to choose, Medicare, Social Security, regulations already on the books. The New Deal, which built up the modern government we have now, stopped working for Democrats politically and arguably stopped advancing things for the country in many ways. I believe that under Bill Clinton, we saw the makings of something new. I haven't seen it since.

We know, I think the public knows, what the Republicans would do when they have the power. I don't think we know what the Democrats want to do next other than defend what they already have. Am I wrong?

KILGORE: Democratic members of Congress who are treated like serfs right now—even before this election—think of themselves as a shadow government that is waiting to get back in and return to business as usual. That's why Paul's question is so important. If we can't make it clear what we would do, and we're not really willing to challenge government itself, then what does it mean to be a progressive anymore?

DIONNE: If you go back to the progressive tradition, broadly speaking, the GI Bill was as nearly perfect an idea as progressives have come up with because it combined responsibility with help for Americans to rise up in our society. It encouraged service and also said that people who are at the bottom of our society can rise up with a little bit of help, notably to go to college, to buy homes. It seems the GI Bill model, which Clinton talked about at times, is still the best model to unite values with affirmative government on behalf of the people who are trying to rise up.

GLASTRIS: What the Democrats would never say, but I think the smarter ones believe is: We want to move the country somewhat closer to the social safety net you have in Canada and Europe, but to do it in American fashion. Which means being more focused and more market-oriented, but where these extra added programs and benefits don't suppress innovation, don't suppress the urge to take risks, don't suppress the work ethic. Public policy over the last 30 years has gotten very good at crafting these policies that don't have these negative effects. Europe socialized too early. In America, we've always had a reactionary, conservative drag on our progressivism, so we didn't go that far. And God bless us, because we first had to figure out how to create a social safety net that is also consonant with American values—things like welfare reform, which offered a lot of incentives to get off welfare. I think that's what Democrats ought to talk about.

SHAPIRO: Perhaps the Democrats' problem is that there are multiple Democratic parties, and they don't really cohere: There is the party of cultural tolerance, the party of gay marriage, the party of protecting a woman's right to choose. There is the anti-war party. There is the party of economic justice that wants to bring better health care to all Americans and enact a more progressive tax system. And there is the status quo Democratic Party that Paul alluded to. The problem right now is that the Democrats stand

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Photo by Carl Iseli

Mike Tomasky, E.J. Dionne, and Jim Pinkerton

for a lot, but those values may be somewhat in contradiction to one another.

GLASTRIS: Why shouldn't the Democrats become the party of federalism and smoke out the truth about how federal tax dollars flow from blue to red states? We could say, "Look, for years Washington has pushed mandates on states without paying for those mandates; the president did that with No Child Left Behind. We don't mind federal leadership, but states are underfunded. We're going to deliver back to the states half of all federal tax revenues that are not for Social Security and defense." Or we could run as the party that opposes political gerrymandering. Can one think of 10 or 20 of those things and even if we can't think of them now, is that the right way to go?

DIONNE: I think we need to talk very explicitly about how the blue states finance a lot of the programs that go to red states. It is really important to call the bluff of the people who claim to be opposed to government but are eager to get as many benefits to them as they can. Exposing this unbalanced system, not as a genuinely conservative agenda, but as a kind of pork agenda for the conservative states could be part of a reform model.

KILGORE: We could also start with electoral reforms: Let's not wait four years for another nightmare that we just averted. Let's at least have a level playing field for how people register to vote, how they vote, how they get their votes counted. We also need to take another run at campaign finance reform. We all know that Republicans' K Street strategy is corporate cronyism to the nth degree. Democrats aren't implicated in that kind of corporate largesse anymore [because the firms now funnel the bulk of their campaign donations to the GOP anyway], and we should go after it. On tax reform, we can look at the regressive nature of the payroll tax, how it shifts the tax burden from wealth to work. And there's budget reform—we're now the party of fiscal responsibility—they handed it to us. We have a huge budget mess that's going to disable the public sector for many years to come, making it very difficult to depend on our social insurance system. It's not an exclusive list, but I think the basic idea is clear.

The strategist gap

GLASTRIS: Almost everyone would concede Karl Rove ran a phenomenal race, but in recent Republican history there have been a lot of great Republican strategists: Lee Atwater, Roger Ailes, James Baker, Ralph Reed, Michael Deaver. Aside from James Carville and Paul Begala, it is hard to think of a single Democratic strategist who is in the same league as these Republicans. Why is that, and what can be done about it?

TOMASKY: I think in general, Republican political professionals are much smarter about how to frame their campaigns. Democrats think in terms of issues

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while Republicans think in terms of narrative. When a Democrat sets out to run for president, his pollster tells him, "Senator, the people agree with you on health care; they agree with you on this issue and on that issue" because most polls show that majorities of people tend to support the progressive position on a series of issues. So Democratic political professionals assume all you have to do is talk about those issues. Meanwhile, on the Republican side strategists think more in terms of narrative. They tell a story about their candidate, and about where their candidate is going to take the country; conversely, they tell a story about the Democratic candidate—it's not always a true story, but it is a narrative that drives the conversation. A Democrat's position on health care can't compete with that. This is a big problem for the Democratic political professional class as a whole.

PINKERTON: I think it's a mistake for Democrats to focus on narrative at the expense of issues. I got involved in Republican politics in 1979 because I was extremely excited by the Kemp-Roth tax cut [cut marginal tax rates by 25 percent across the board]. That wasn't a narrative; that was an issue, an idea, a concept.

SHAPIRO: Since Ronald Reagan in 1980, Republicans have been confident in what they believe, while Democrats have been in a fetal crouch. And every gambit of the Democrats is designed to say, "Don't kick me there." You nominate a war hero in John Kerry so you won't get kicked on national security. You nominate a Southerner so that you won't get kicked on values. You run on competence when you're Michael Dukakis in 1988 as a "don't kick me there" because you are almost sure to lose on ideology.

The best campaign consultants are not necessarily brilliant. They are simply in tandem with their candidates. The best consultants come up with their candidate, like Carville with Bill Clinton in '92, Rove with George Bush in 2000, or Hamilton Jordan with Jimmy Carter in 1976. The best consultants are the people you haven't heard of yet: Joe Trippi was one. What he did with Howard Dean should not be underestimated; it was one of the great strategic moments in American politics even if it ultimately fell short.

PINKERTON: I'd like to differ slightly on this. I worked for Lee Atwater for seven years, I've known Roger Ailes for 20 years. The residual Republican in me should say, "It's been my privilege to know some of these guys, they're like the 1927 Yankees, a Murderer's Row, and nobody's going to beat them." However, I think there is another story. That crop of Republicans are like the West Point class of 1915, the so-called "Class the Stars Fell On." It was just their fortune, from a military point of view, to come into the beginning of World War I and to be alive for World War II, and so they all became generals: Eisenhower, Patton, Omar Bradley. These Republicans similarly came of age when a new intellectual model was being born. The Democrats had won seven of the nine presidential elections from 1932 to 1964 because in the view of the voter they had a better model—the New Deal, unions, redistribution. But the Republicans came up with a counter model, and it worked well in the eyes of most voters. I think seven of the last 10 presidential elections have been won by the Republicans. That is a strong model, and I think it is stronger than consultants, it is stronger than spin, it is just a basic thing.

KILGORE: We do need a new generation of consultants and pollsters; there hasn't been a lot of turnover in a long, long time. Also, as some have already said, we have got to get away from these strategies based on changing the issue terrain instead of speaking directly about what the American people think. Because not only does it not work, but it also expresses contempt for what the American people believe is important. And that reinforces a lot of our party's problems.

Democratic pollsters and political consultants are forever trying to change the subject from things that voters don't agree with them, to things that voters agree with them. In 2004, the Kerry campaign got an enormous amount of advice to concede national security, that's Bush's issue, and bring it back to the economy, that's our issue. The argument was that we need to campaign on our own turf. Basically, telling the American people, "You stupid crackers, stop thinking about the moral order of the universe and chow down on this prescription drug benefit." That is the attitude the Democratic Party projects, and I think it turns off voters.

SULLIVAN: Republicans have won at least since 1968 by being divisive. We dance around this and hesitate to say it out-loud, but the fact is that they won this election in large part by tapping into and exploiting homophobia. That doesn't mean the Republican Party is motivated by homophobia. But they recognize that it exists, and they have figured out how to use it, just like they figured out how to use racism.

They've set the stage so that this frame of division—of us vs. them—defines most political conversations. That's why Democrats need to be careful as they learn how to talk about religion. They can and should critique the kind of religion that is so destructive to political debate. But they should be careful not to use such broad strokes that they're seen as attacking religion in general. That feeds directly into the Republican strategy to paint Democrats as intolerant of and

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hostile to religion. Criticism of fundamentalist, divisive religion can be leveled correctly, but it's a very tight needle to thread.

KILGORE: We did have one other great strategist: His name was Bill Clinton. His gift was for message, which is a little different than narrative—maybe it's a little bit closer to what Jim was talking about. Message is a basic sense of how specific proposals add up to a philosophy of how to best organize the public sector to protect Americans, improve their welfare, unite the country, and accomplish the whole list of things people want government to do. I think we had a message under Bill Clinton, or at least we had it until 1998 when our momentum faded away for reasons we all remember.

Democrats run into problems when we don't have a clear message, particularly when the opposition has invested billions of dollars creating a stereotype about our candidate and about our party. If we don't have a clear message for changing government, then that stereotype is what the public defaults to. That's exactly what happened to John Kerry this year. You have to address where you're getting kicked before people will listen to the positive message you have. And I think Clinton proved that in 1996 when he neutralized a lot of the values issues we're talking about, and the election turned on Democratic issues. It was the last successful model we had.

An opposition party

KILGORE: I tore my hair out all through the campaign wondering why we couldn't get Democratic candidates for Congress to act like outsiders, to remind people who runs the city these days. In fact, the whole "big government liberal" attack on Kerry, much of it was code for: These are the same people that you can put them back in, and they will spend like crazy. We're going to go back to the 1950s; the not so subliminal message was that this is the pre-Clinton Democratic Party come back to life—it's big, it's scary, it's tall, it has a long face, and it's from Massachusetts.

SULLIVAN: The Democrats went out of their way not to make this election a referendum on Republicans. At the Democratic convention, you hardly ever heard blame being laid at the feet of the Republicans. Only once throughout the three debates did Kerry say anything about Republicans in Congress. As Ed and I have discussed before, a frightening percentage of Americans don't even know which party controls Congress. So if they're unhappy with things, they don't know who to blame. Democrats have to change that, they have to attack the status quo, or they'll continue to get punished by voters who are reflexively anti-Washington.

DIONNE: The notion that the Democrats couldn't run against an all-Republican government in Washington is distressing. After all, this Republican campaign was based on the old. Old is tax cuts. Old is opposition to gay marriage. Old is Cold War rhetoric about Kerry being weak. There was nothing innovative about this Republican campaign except their view of the electorate where they understood the potential gains they could make in the outer suburbs and in rural areas by bumping up the vote.

KILGORE: It's time that the Democrats become an insurgency that challenges the power that actually exists in Washington, which is not ours anymore. It will help us enormously to communicate our values to people outside the context of Washington.

TOMASKY: Is the congressional Democratic Party prepared to be an insurgency? I don't know how aggressive they'll be willing to be. If you look at the map of Senate elections in 2006, a handful of Democratic senators from red states will be in vulnerable positions, and they won't want to risk what they inevitably interpret as what happened to Tom Daschle: He was obstructionist, and he lost. So I'm not sure that could happen.

Also, when Nancy Pelosi compiled a list of Democratic reform ideas, harkening back to Newt Gingrich's idea of a Contract With America, it was absurd. It didn't come with a legislative agenda that Democrats would enact if they won the Congress. And the reason it didn't come with a legislative agenda is because congressional Democrats couldn't agree on one. That tells you the Democrats don't have the capability of nationalizing elections, at least as they are presently constituted.

KILGORE: Something really dramatic happened in the Republican Party between Newt Gingrich and where we are today. Not only have they abandoned fiscal responsibility but implicitly have also embraced the starve the beast theory, which I call the political equivalent of a bottomless crack pipe for the Republicans: It enables them to oppose big government in the abstract but support big government in the particular, including subsidies for corporations, farmers, for states, for anyone. They hope that in the end their fiscal policies will force government to shrink automatically.

For Democrats, this means that if we want to have an active public sector, if we want to maintain a 21st century social safety net, if we want to maintain an intergen-

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erational social compact, we have to be for reforming government. And we ought to be because they are conceding that issue to us. They're not trying to reform government best I can tell. The more they run government the less they will.

DIONNE: I think an opposition party finds its voice in opposition—in challenging the status quo that the other side has created. That's how Newt Gingrich found his voice. He began when Republicans were out of power. The Contract with America was the last act of the Gingrich push, not the first strike. I do think that there are opportunities today for the opposition to challenge GOP pork, to challenge their fiscal policy, to challenge particular approaches to Social Security reform.

That's not as exciting as saying we need 110 new ideas, but Karl Rove had many new ideas about mobilizing new voters but not a whole lot of new ideas in policy.

Security marms

GLASTRIS: On national security, few Democrats who have spoken to the public in 30 years gave a sense of assurance, certainty, and power of message. What is our intellectual model? Until you have that, you are not going to have the strategists who can help elect a president because they are going to be as much at sea as the candidate. I believe that national security is the single biggest hurdle for Democrats to get over if they want to win.

TOMASKY: This panel has often wandered from national security. I think it's probably indicative of the problem within the Democratic Party itself. I agree with you 100 percent. National security is the biggest issue that they have to grapple with in order to define what a new progressivism is, to define themselves as the opposition party.

I always thought it was a wasted opportunity after 9/11, when the Democratic congressional leaders did not seize that moment to say, "O.K. this is a permanent part of the political landscape for the foreseeable future, and we must right now redefine ourselves as a party. We must begin to have serious conversations right now to come up with a set of principles that can be a credible response to the world we find ourselves in." There are actually solid Democratic national security thinkers. I get the impression sometimes that, with a couple of exceptions, most Democratic politicians don't know that they exist and don't read anything that they write.

GLASTRIS: We've actually written about this in a cover story two years ago by Heather Hurlbert. The problem is not that there aren't any serious Democratic thinkers on national security. It's that they are hived off in back offices, hauled out in times of national security emergency to give advice, and then put back in their cubicles again.

Democratic elected officials, for the most part, are more comfortable with national security than the senior staff around them. Today's Democratic political operatives, most of whom came up in the late 1960s to early 1970s and were essentially anti-war, have never been comfortable with national security. They don't think that's an issue that can win for them. There's not a lot of intense thinking on it. Now, on the Republican side, there are plenty of arm-chair pudgy Republican operatives who've never shot a gun in their life, but they know it's an important issue for them. They are comfortable talking about it. And I think until there is a change of guard, of the political operative community that runs the Democratic Party, you are going to continue to run into this problem of a lack of seriousness.

PINKERTON: At the famous press conference in March 2002, when the president said, "I truly am not that concerned about [bin Laden]," where was the Democratic rapid response to say, "hey, bin Laden killed three thousand of our citizens?" The only thing I've heard Democrats talking much about lately is, "Gee, those prisoners in Guantanamo Bay aren't treated well."

DIONNE: On national security, to paraphrase Yogi Berra: We lost because we made the wrong mistakes. In fairness, I don't think that the Democrats are now where they were in 2002 when the Democrats completely ran away from national security. In 2004, Kerry engaged on national security. Indeed, the whole last week of the campaign was about national security. There's much more of a sense now that this is a central question.

KILGORE: The security gap is one thing we've got to deal with. I agree with Mike. There's more of a consensus among Democratic thinkers about how to keep America safe and the war on terror than you might expect.

I watched John Kerry very closely each time he spoke on national security during the campaign. He always said the same thing. He always said we need to rebuild our alliances, rebuild multilateral organizations, rebuild trust in America around the world, and we need to keep you safe. More often than not, the pronouncements about multilateralism, alliances, and the softer side of foreign policy came first. Imagine if every time he spoke on national security, he had first said, "I will do whatever is necessary to protect you" before explaining how we must bring in the world to save us from the mess that George Bush has created in Iraq. I think it might have made a crucial difference. ◆

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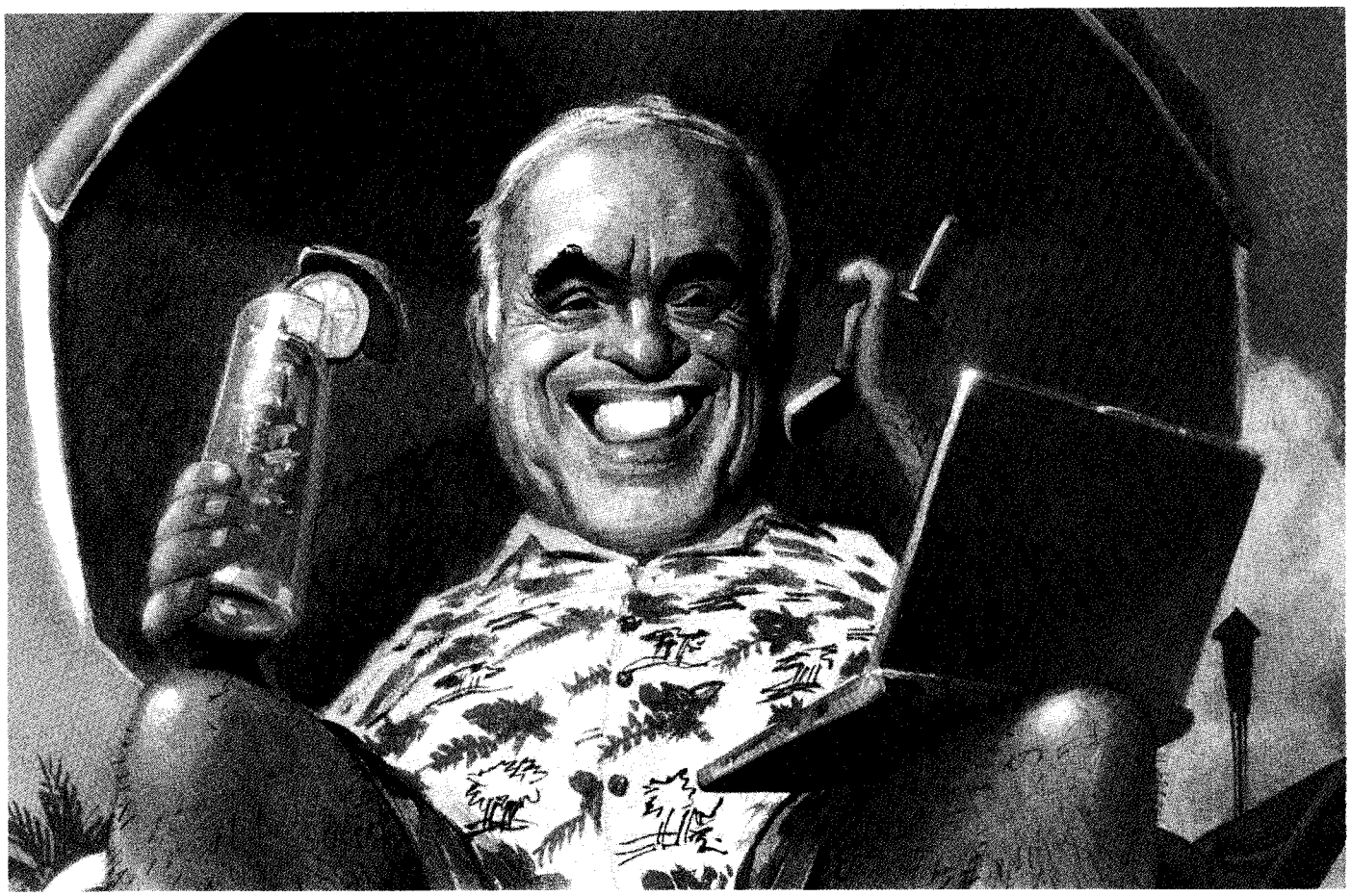

Bob in Paradise

How Novak created his own ethics-free zone.

By Amy Sullivan

Illustration by Fred Harper

Robert Novak was in high dudgeon. He and his colleagues on CNN's "The Capital Gang" were squabbling over whether CBS should have run a story on President George W. Bush's National Guard service, a story which relied on documents whose authenticity had come into question. Novak—the show's resident curmudgeon, outfitted with a three-piece suit and permanently arched eyebrow—delivered his verdict. "I'd like CBS, at this point, to say where they got those documents from," he growled. "I think they should say where they got these documents because I thought it was a very poor job of reporting by CBS."

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Resident liberal Al Hunt jumped in to clarify. "Robert Novak," he asked, "you're saying CBS should reveal its source?" When Novak replied that he was, Hunt pressed him further. "You think reporters ought to reveal sources?" In a flash, Novak realized he had made a mistake; he began to backtrack. "No, no, wait a minute," he said. "I'm just saying in that case." So in some cases, Hunt continued, reporters should reveal their sources—but not in all cases? "That's right," said Novak.

What Novak's fellow panelists on "The Capital Gang" knew that day, but most of the show's viewers probably didn't, was that much of Washington has spent the better part of a year waiting for Novak to reveal a source of his own. During the summer of 2003, someone in the Bush White House decided to extract a pound of flesh from former Amb. Joseph Wilson, a critic of the administration's rationale for the Iraq war, by revealing to members of the press that Wilson's wife was an undercover CIA agent. And though the leak was peddled to several journalists, only one was willing to actually print it: Robert Novak.

By exposing the name of Wilson's wife—Valerie Plame—Novak not only put an end to her undercover work on weapons-of-mass-destruction issues, possibly putting at risk the lives of any foreign sources who may have cooperated with her. He also may have abetted a federal crime: It's a felony for a government official to knowingly disclose the name of any undercover agency operative, an act serious enough that the Bush administration eventually agreed to name an independent prosecutor (the only one appointed during Bush's first term) to find out who was responsible. That prosecutor, Patrick Fitzgerald, has since subpoenaed other journalists who received the leaked information. Two of them—Judith Miller of *The New York Times* and Matthew Cooper of *Time* magazine—ran the information only after Novak first publicized Plame's name; both refused to disclose their sources, were held in contempt of court, and face prison time if their appeals don't succeed.

And what about Novak? That's hard to say, because while Miller and Cooper (who is also a contributing editor of *The Washington Monthly*) have publicly disclosed the essence of their interactions with Fitzgerald, Novak has remained mum. The columnist has made hundreds of appearances on television since he printed Plame's name, but Al Hunt's tweak on "The Capital Gang" was the closest any of Novak's colleagues have ever come to asking him about the case on the air. Even Hunt's challenge was more of a reportorial reflex than anything else. He told me recently that he has "conspicuously avoided the topic" because Novak is "a close friend…it's uncomfortable."

This exquisite sensitivity is shared by much of Washington. For about as long as Novak has been a first-string Washington pundit and raconteur, after all, he's been dealing in factual mistakes, ethical slips, and personal attacks that would have done in a less well-positioned journalist. Today, he thrives thanks largely to his prominence, his independence, and the clubby support of a media elite whose standards he openly mocks. Novak has created for himself a Cayman Islands like, ethics-free zone where the normal rules simply don't apply.

Novak, Inc.

The one ground rule for my interview with Novak for this article, conveyed to me by his assistant, Kathleen, was that I could not ask him any questions about the Plame case. It wasn't that Novak wouldn't answer such questions; that was so obvious as almost to go without saying. But if I raised the topic in any way, she told me, "the interview will be immediately terminated." The morning of the scheduled interview, Kathleen called me to say that Mr. Novak wanted to "make sure" I understood that if the Plame case came up during our talk, the interview would be over. I assured her that I got the picture.

That afternoon, after walking to the offices of the "Evans-Novak Political Report," one block west of the White House, I find myself sitting across from Novak in a cramped, windowless room. Novak looks bored. He's slumped to a 45-degree angle in his chair—not an unusual posture for him, but more pronounced thanks to surgery he underwent a few weeks ago to repair a broken hip. With the ground rule in place, he has given me half an hour of his time, but it's clear he just wants to get it over with. The walls of the room are chockfull of photos charting Novak's career and life, and he perfunctorily points out a few to me. Here he is in the Oval Office with the first President Bush and a not-yet-balding Dick Cheney; over there he laughs it up with William F. Buckley Jr., while an extremely young-looking George Will huddles in a corner, gripping a glass and looking "kind of dorky," observes Novak.

He is not without the charm that serves to temper his reputation as the "Prince of Darkness." ("I think he gave himself that nickname," one of his colleagues later told me.) But it's a forced charm—I've read most of Novak's lines in previous profiles of the guy. I'm reminded of the description of Novak, sometimes attributed to Michael Kinsley, which a number of sources volunteered: "Beneath the asshole is a very decent guy, and beneath the very decent guy is an asshole." I am not under the illusion that he will reveal some new or interesting anecdote during our talk, and he is not under the illusion that I will press him on anything he hasn't already heard. At age 73, Novak has dealt with much tougher challenges than being profiled by a small-circulation political magazine.

"Look, I'm not David Broder," Novak tells me. "I'm not one of the real good guys. They try to make things nicer. That's not my deal." What is his deal is something else entirely. Unlike many of his colleagues on the op-ed pages, Novak does not trade in witty prose or expansive theories, but instead offers a glimpse of Washington's innermost power dens. Novak provides the snack food—provocative bits of information from insiders that fill his columns and commentary. He takes particular glee in inciting—or at least enabling—inter- and intra-party warfare. When a Republican treasury secretary loses favor with conservatives in the party, we learn via Novak that the cabinet position may soon

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be open. With the war in Iraq not going as expected, Novak is the one who tells us that some power players in the administration want to pull out early in a Bush second term. And he does it by getting everybody—absolutely everybody—to talk. "It's kind of like [Bob] Woodward," says his "Crossfire" colleague, Tucker Carlson. "It's in the job description. You can't not talk to Bob Novak. It's the law."

Novak's actions have raised few eyebrows, and he brushes off the occasional complaints like crumbs from his vest.

At this stage in his career, Novak is more than a reporter—he's a small business. He peddles his wares with the help of a team of researchers based at "Crossfire," "The Capital Gang," and the warren of offices in which we're sitting. Novak's thrice-weekly column is syndicated to more than 300 newspapers—including *The Washington Post*—making him one of the top five most-read columnists in the country. His scowling visage appears on television at least half a dozen times during an average week—he's a marquee name at CNN, where he headlines "Crossfire" and "The Capital Gang," acts as an analyst for "Inside Politics," and conducts interviews for "The Novak Zone," a feature on the Saturday morning news. He also pops up on NBC's "Meet the Press" as a frequent guest. On top of everything else, he still writes the bi-weekly political newsletter he and Rowland Evans started in 1967, the "Evans-Novak Political Report," which has a remarkable record of accurate election predictions.

His journalistic judgment, however, is not always as keen as his political nose. Consider just a few Novak highlights from the past fall. In August, when the members of Swift Boat Veterans for Truth went after John Kerry, Novak used his column and television appearances to hype their claim that Kerry had lied his way into receiving medals in Vietnam, and flacked their book, *Unfit for Command*, with a glowing review. When Novak attended a party at Morton's Steakhouse in downtown Washington to celebrate the book's success, he was joined by the director of marketing for its publisher, Regnery Publishing: his son, Alex Novak. In the six years that Alex has been in charge of promoting Regnery products, Novak has positively reviewed at least four Regnery books for conservative magazines and has favorably mentioned others in his column and on his television shows—all without disclosing his relationship to the publishing house. He dismisses any criticism as politically motivated, and insists that he and his son don't discuss the books. But he has another connection to the publishing house that also goes unmentioned. Tom Phillips, the owner of Regnery, also owns Eagle Publishing, which distributes the "Evans-Novak Political Report," available to subscribers for an annual $297 rate.

In September, Novak wrote about remarks made at an off-the-record dinner party by the CIA's top specialist on the Middle East, Paul Pillar. The CIA officer was one of the authors of a recent National Intelligence Estimate and he claimed at the dinner that the CIA had warned the White House in January 2003 that war with Iraq could unleash a violent insurgency in the country. Novak wasn't at the dinner, which was conducted under established background rules—the substance of Pillar's remarks could be reported, but not his identity or his audience. But someone there told Novak about it. So Novak, apparently feeling bound by no rules, outed Pillar by identifying him as the speaker. It's a trick he uses often—others attend off-the-record meetings or briefings, tell him about it, and he reports not just what was said, but fingers those who spoke as well.

Less than a week before the 2004 election, Novak resuscitated one of his favorite charges—that Democrats steal elections. He hit the note regularly after Mary Landrieu narrowly defeated Woody Jenkins to win Louisiana's open Senate seat in 1996, even though a congressional investigation dismissed similar charges. And he has repeatedly claimed that "the Indians" stole South Dakota's 2002 Senate election "by stuffing ballot boxes." Novak made the comment again on "The Capital Gang" in October, months after South Dakota's Republican governor had called his charges "ignorant" and the state Republican party chair deemed his statements "appalling" and "insane." It's a case, his friend and colleague Mark Shields observed to me, of Novak "toeing the party line even when it ceases to be the party line."

Any one of these recent sins—plugging the books of the publisher that is providing income to one's family without disclosing the connection, repeatedly parroting an incendiary political charge that has proven to be false, or outing a CIA agent—might have been enough to put another journalist or columnist into scalding hot water. But Novak's actions have raised few eyebrows, and he brushes off the occasional complaints like crumbs from his vest.

Billboard Bob

There are many reasons why Novak gets away with these lapses. Foremost is the rather obvious fact that people on both sides of the aisle genuinely value much of the work that he does. Fundamentally, he's more ideologue than party man, not averse to whacking his own side when it suits his conservative predilections. His column exposing Republican attempts to bribe Rep. Nick Smith (R-Mich.) in exchange for a "yes" vote on Medicare reform led to a rebuke of DeLay by the House Ethics Committee. The establishment press corps loves iconoclasts—and it loves Bob Novak.

Novak is also the rare conservative pundit who actually works the phones. The vast majority of right-leaning talking heads and columnists came up either through politics (such as Tony Blankley, Newt Gingrich's former communications director and now editorial-page editor of *The Washington Times)* or through right-wing think tanks (such as Jonah Goldberg, who began his career at the American Enterprise Institute). As one of the few significant conservatives who launched his career in the newsroom, Novak earns grudging

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respect even from his liberal colleagues.

He got his start as a cub reporter at the *Joliet Herald-News* (where he grew up) and the Champaign-Urbana *Courier* (where he attended college). After stints in Nebraska and Indiana, where he covered politics as a regional reporter for the AP, Novak arrived in Washington at age 26, assigned to the AP's congressional beat. He rose quickly, breaking stories through sheer tenacity, and building what would become an unparalleled network of sources. After less than two years, *The Wall Street Journal* made him its Senate correspondent, and in 1961, Novak became the paper's chief congressional correspondent. He established such a reputation for his work ethic that when Rowland Evans—then a congressional correspondent for the *New York Herald-Tribune*—was casting about for someone to share the load of a six-day-a-week syndicated column, it didn't take him long to decide that Novak was his man.

So after six years as a national political reporter, Novak became an opinion writer. He was still a reporter, but a certain kind of reporter. He wasn't a Jack Anderson, who trafficked in leaked documents and facts, or a James Reston, who offered in-depth analyses after conversing with the powerful. Novak was—and remains—more of a political Walter Winchell. His currency is opinion, his specialty "people are saying" reportage. Whose nose is out of joint about the arrival of a new White House aide? What do some conservatives at the State Department think about the change in leadership there? Novak's popularity grew throughout the 1960s, as readers learned that they could turn to his column to discover something new.

These fascinating little nuggets could come at a price. On occasion, Novak proved too reliant on sources who dished their side of the story. "The danger in this kind of reporting and this kind of column," he tells me as we talk, "is that you're a sucker for anything that's new." This is less an admission than the designated point in the interview for him to display humility and self-awareness. "Do you want to hear about my worst column?" he asks, not pausing for an answer before launching into the tale of a 1972 item in which he reported that Nixon aide Chuck Colson was going to sue *Time* magazine for libel unless it retracted a story claiming that he was part of Watergate. "He really euchred me there," says Novak with a grin. "He conned me on it because he didn't sue, but he got this publicity out of it."

Does that kind of experience fine-tune his radar for dealing with sources? Novak begins to agree and then stops. "That's the problem," he says. "You get a great story, and you say, 'Boy, this is really interesting and new.' It was so juicy, the president's political advisor is suing *Time* magazine for seven million dollars." When I ask about criticism he has received for other columns, Novak just shrugs, having lost interest in this subject. "I don't think we've ever printed anything that really did any damage to someone."

George McGovern might disagree with that assessment. In 1972, his politics were famously derided as about "acid, amnesty, and abortion." The description first appeared in a Novak column as an anonymous quote from a Democratic senator, but its veracity was immediately contested and many believe that the quote was fabricated. Novak himself told a reporter from Cox News last year that this was probably when the column was first dubbed "Errors and No Facts."

Such leaks became a pattern for Novak: Sources came to him to push a partisan agenda, he allowed himself to be the conduit for their leaks, and in return they rewarded him with future scoops and access. It was an irresistible cycle that made him one of the most talked about—and talked to—columnists in town. Former Nixon campaign aide Herbert Porter testified that he leaked to Novak "on plain bond" Democratic presidential campaign memos obtained in the Watergate break-in, while Reagan budget director David Stockman found the fiscally conservative columnist a willing ally in the effort to win supporters for supply-side economics. In his memoir, Stockman wrote that he considered Novak's column his "billboard" while he was in the White House.

"Reckless hyperbole"

By the 1980s, Novak had come to occupy a unique position in Washington. His peculiar status as a conservative reportorial columnist insulated him from any meaningful pressure to improve his standards of accuracy or ethics. Novak likes to trade on his reputation as a reporter to retain credibility as a journalist. But if challenged, he shifts and claims that he is only a columnist, voicing opinions. In 1984, he and Evans were sued by a New York University professor after Novak penned a column arguing that the professor should not be made chair of the University of Maryland's political science department; the U.S. Court of Appeals decided that opinion columnists—as opposed to reporters—had First Amendment rights to use "reckless hyperbole," as none other than Robert Bork's concurring opinion put it. Furthermore, whereas columnists employed directly by newspapers are at least theoretically under the oversight of an editorial-page editor, Novak's column was syndicated, which means that, where his written work is concerned, he answers to no boss but himself. If a paper objected strongly to his work, they had only one possible course of action: to drop his column.

He soon established a relationship with a television network that would provide him even more free reign. When CNN launched in 1980, Novak's status had swelled to the point that the network considered the columnist a must-have. Ted Turner put Novak on the air the very first weekend to bring attention to the fledgling network. He and Evans were also given their own weekly interview program, which ran until Evans's death in 2001. In 1982, Novak became an original member of "The McLaughlin Group," a syndicated show hosted by former Jesuit priest John McLaughlin. The show was an instant success, casting political debate as the verbal equivalent of professional wrestling. From the beginning, it was clear that Novak had the knack, reveling in the program's vaudeville-like atmosphere. He also began co-hosting "Crossfire," where he did one-on-one battle with

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a series of (usually overmatched) liberal commentators.

Novak clashed frequently with the strong-willed McLaughlin, and their feud led him to leave the show in 1985. "I just couldn't stand being on that show anymore," he says, "but I enjoyed that format." So he took Al Hunt and Mark Shields out to breakfast, signed them up for an idea of his own, and went to the brass at CNN. Novak offered to provide the network with its own version of "The McLaughlin Group"—but he would be an executive producer, with ultimate control over topics, guests, panelists, and format. While his over-the-top, leak-driven style would never fit in at *The New York Times* or *Newsweek*, cable television rewarded controversy. CNN had launched a revolution in cable news, but it was struggling to compete in the world of political commentary, and network executives jumped at the chance to put one of the country's most prominent—and pugnacious—conservative pundits at the heart of their lineup. Novak did not disappoint: On the Thanksgiving broadcast of his new program, "The Capital Gang," he complained that his holiday dinner had been ruined by the sight of so many homeless people on television.

For 10 whole weeks after it broke, the Valery Plame story almost completely disappeared. The establishment media, including Novak's buddies, somehow didn't notice that their friend had abetted an act of near-treason in broad daylight.

All the while, Evans and Novak kept up their juicy, gossipy column—along with their tendency to let sources lead them onto factually and ethically dubious ground. In 1989, they were the first to publicize a rumor about then-Rep. Tom Foley's (D-Wash.) sexuality, referring in their column to "the alleged homosexuality of one Democrat who might move up the succession ladder." At the time, the Republican National Committee was waging a parallel whispering campaign against Foley, the presumptive Speaker of the House, which relied heavily on phrases like "out of the liberal closet." Novak's column gave legitimacy to the rumor, and other commentators followed suit with speculation, eventually leading Foley to declare on national television, "I am, of course, not a homosexual."

But by then, Novak was well-insulated against minor, over-in-a-week scandals. Even the election of Bill Clinton didn't diminish his access. "Bob's sources tend largely to be on the right," one of his colleagues says, "but he always has olive branches at work with Democrats that he then pretends to criticize." For example, liberal political consultant Bob Shrum—a Novak friend and source for thirty years—has long provided Novak with scoops from inside the Democratic Party because, this colleague says, "they have a good-natured, locker-room type of relationship where it's okay for Bob to make fun of Shrum on the air." Novak takes pains to flatter his sources in print, and refers to Shrum in his column as "one of the nation's premier campaign strategists, media designers, and speech writers."

Novak's bipartisan networking helps explain how he survived what was, until recently, arguably his gravest error. In 1997, he relied on Robert Hanssen—later caught for and convicted of spying for the Soviets—as the primary source for a column accusing Attorney General Janet Reno and the Justice Department of covering up campaign finance scandals. Novak later disclosed the identity of his famous source, explaining his decision to do so on the grounds that the circumstance was "obviously extraordinary." Writing about his relationship with the spy, Novak admitted that it was possible "he was merely using me to undermine Reno."

Circle of friends

The election of George W. Bush elevated Novak's power and reputation to their apex. The administration's tightly controlled press shops released so few pieces of information—and so few sources were willing to talk to reporters—that any journalist who could gain significant access to administration officials could be sure of a wide audience. Novak did just that.

On July 6, 2003, a retired American ambassador named Joseph Wilson published an op-ed in *The New York Times* disputing the administration's claim that Iraq had attempted to purchase concentrated uranium oxide, or "yellowcake," from Niger—a crucial piece of evidence in the president's case that Iraq represented an urgent threat to U.S. security. Wilson had previously traveled to Niger at the behest of the CIA to investigate the allegations and he reported back that it was highly unlikely that any such sale had taken place. Nonetheless, President Bush's State of the Union address one year later cited the alleged uranium purchase as proof of Iraq's capability to produce "weapons of mass destruction." Wilson's disclosure, then, was a major embarrassment to the White House—and someone there decided to do something about it.

Several phone conversations later, Novak wrote the following sentences for his syndicated column for July 14: "Wilson never worked for the CIA, but his wife, Valerie Plame, is an agency operative on weapons of mass destruction. Two senior administration officials told me his wife suggested sending Wilson to Niger to investigate the Italian report. The CIA says its counter-proliferation officials selected Wilson and asked his wife to contact him." This would have been little more than your standard-issue leak but for one small fact: It's a federal crime for a government official (say, Novak's source) to knowingly disclose to the public the name of an undercover CIA agent. And while it was not illegal for Novak to publish Plame's name, it was ethically questionable, according to former *Washington Post* ombudsman, Geneva Overholser. "He turned whistle-blowing on its head," she told me. "The point of protecting whistle-blowers is to protect them from recrimination. Novak enabled

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those in power to bring recrimination on the head of Joseph Wilson, and he did it by outing a covert agent."

One week after Novak's column appeared, *Newsday* reported that Plame had indeed been working under cover on weapons-of-mass-destruction issues until outed by Novak. They also broke the news that Novak claimed that his "senior administration sources" came to him with the information about Plame's identity. "I didn't dig it out, it was given to me," he told *Newsday* in an interview. "They thought it was significant, they gave me the name and I used it."

And then, for 10 whole weeks, the story almost completely disappeared—save for the efforts of *The Nation*'s David Corn and various left-of-center bloggers. The establishment media, including Novak's buddies, somehow did not notice that their friend had abetted an act of near-treason in broad daylight. It took the Bush Justice Department, of all places, to put the story of Valerie Plame and Novak back on the airwaves, when it announced on Sept. 29 that it was launching a criminal investigation into who blew Plame's cover. That day, Novak was scheduled to co-host "Crossfire" with Paul Begala, and they had no choice but to focus the show on the leak investigation. Begala managed to ask Novak some reasonably tough questions, but for the most part, it was a surreal half-hour. Swiveling in his chair, Novak went on the attack—"It looks like the ambassador [Wilson] really doesn't know who leaked this to me"—punching back against the challenges of his guest, Rep. Harold Ford (D-Tenn.)—"Do you know whether my source was in the White House? Do you know that at all?"—even though Novak was one of two people on earth who knew for sure the identity of the leaker. Novak also disputed the *Newsday* account, asserting that "nobody in the Bush administration called me to leak this."

Two days later, Novak went further, devoting his Wednesday column to the issue and then submitting to an interview with CNN colleague Wolf Blitzer. Novak assailed criticism of the White House leak and his column, telling Blitzer, with no apparent sense of irony that, "this kind of scandal... is Washington at its worst." That Saturday, "The Capital Gang" turned to the subject for the first few minutes of its program, but Novak's only comment was to defend his source as someone who is "not a partisan gun-slinger." And on Sunday, Novak spoke his last public words about the incident. Appearing on "Meet the Press," he faced an uncharacteristically timid Tim Russert, who mainly seemed concerned with determining whether Karl Rove was Novak's leaker.

Far from requiring Novak to explain or apologize for his actions, Novak's corporate sponsors have gone out of their way to praise him. During a CNN news segment after the investigation was announced, Blitzer offered a "personal note" about the scandal: "All of us who know Bob Novak know he's one of the best reporters in the business and has been for nearly half a century." Blitzer's guest—Steve Huntley, who is Novak's editor at his home paper, the *Chicago Sun-Times*—was likewise effusive, calling the columnist "one of the best reporters in this country." When I called CNN to ask if Novak's statements to Blitzer and on "Crossfire" were part of an arrangement where he would talk about the case just that once and then never again, the network declined to comment. Similarly, Novak's lawyer James Hamilton chose not to comment when I asked if there was any legal reason Novak could not discuss whether he had ever been contacted by Patrick Fitzgerald. But Floyd Abrams, the attorney and First Amendment expert who is representing Matthew Cooper and Judith Miller in the same Justice Department inquiry, is not so tight-lipped. "Mr. Novak is not under any legal prescription to disclose what his status is with the investigation," he told me. "Whether he has decided because of some particular—and to us unknown—reason that he shouldn't, it's not because he can't."

Colleagues like Begala say that they don't question Novak about the Plame case out of personal loyalty. "Look, he's a friend of mine," Begala said to me. "I know that he can't talk about it. I respect that fact, so I don't bring it up." But there's another reason they don't ask. Novak won't let them. The topic hasn't come up on "The Capital Gang," for instance, because, according to one source at CNN, "Bob is the executive producer and he has more say than anybody else... He won't talk about it." Novak's role at the show means that he gets to determine what subjects do—and, more importantly, do not—get discussed. But couldn't one of the other panelists bring it up, even so? "You have to understand," said the source, "this is Bob's show. He's the boss."

Novak is an island

Bob Novak is, he tells me, writing his memoirs. It is unlikely that there will be a citation for "Plame, Valerie." His set-up is nearly perfect—as a syndicated opinion columnist and executive producer of his own show, Novak can say what he wants without fear of punitive consequences, and he can ignore what he wants, safe in the knowledge that no one of significance will ever press him. He is hardly alone in being used by sources or having dicey conflicts of interest. But unlike journalists Dan Rather and Howell Raines, who provided full explanations and apologies once their errors were revealed—and who faced well-organized mau-mauing campaigns waged by critics on the right—Novak is an island, untouched by criticism. His privileged position would count for nothing if his peers and colleagues held him accountable.

On one special occasion during the past year, Novak made an exception and broke his radio silence on the Plame case. In March, at the ultimate Washington insider event—the annual Gridiron Club dinner—Novak starred in a skit about the Plame leak. Dressed in a top hat and cut-away coat, the columnist hammed it up in front of an audience of his peers, crooning to the tune of "Once I Had a Secret Love." Novak sang off-key about outing "a girl spy" thanks to "a secret source who lived within the great White House." And he finished it off with a killer closing line, delivered with a wink and a grin: "Cross the right wing you may try / Bob Novak's coming after you." The audience howled. ◆

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Partly Sunny

Why enviros can't admit that Bush's Clear Skies initiative isn't half bad.

By David Whitman

It is hard to find a leading environmental advocate who has not denounced Clear Skies, the Bush administration's bill to reduce power-plant pollution. Clear Skies headed the Kerry campaign's list of "The Bush/Cheney Top 10 Environmental Insults," and has been repeatedly assailed by green activists for gutting the historic Clean Air Act. Al Gore has said that Clear Skies should be renamed "Dirty Skies." The proposal has become a prime exhibit for those who delight in examples of Bush doublespeak.

Yet this vitriol seems strangely at odds with the express goals of the legislation. Clear Skies requires utilities to reduce emissions of sulfur dioxide, nitrogen oxides, and mercury by about 70 percent by 2018. The Environmental Protection Agency projects Clear Skies will prevent the deaths of 14,100 Americans a year—akin, in a sheer body count, to saving the life of every person who died from HIV in the United States in 2003.

By most accounts, Clear Skies would prevent more deaths than any environmental regulation since 1997 at a cost of about $6 billion a year to the utility industry. But instead of garnering broad support and sailing through Congress, this important public health measure has languished on Capitol Hill. It is now little more than a symbol of the Bush administration's craven coziness with the energy industry.

As might be expected, green advocates criticized the Bush bill and its regulatory heir, the Clean Air Interstate Rule, for failing to go far enough or fast enough in reducing pollution. But in a novel twist, environmentalists have also asserted that Clear Skies is actually weaker than the existing Clean Air Act—and would thus allow millions of tons of added pollution and inflict tens of thousands of needless deaths during the next decade. John Kerry summed up the conventional wisdom on the left during his second debate with President Bush by observing that Clear Skies is "one of those Orwellian names.... If they just left the Clean Air Act all alone the way it is today—no change—the air would be cleaner than it is if you passed the Clear Skies Act."

In fact, this oft-repeated green bromide turns out to be false. But the dispute over the bill's impact is only part of the story of how the perfect has become the enemy of the good in the clean air wars. The battle over Clear Skies has shaped up as a classic Washington tale of a creditable endeavor hopelessly mismanaged by its sponsor, demagogued by its opponents, and tainted from the start by the administration's well-earned reputation as handmaidens of industry. The resulting gridlock could delay attempts to clean up the environment and cost thousands of Americans their lives.

The soot menace

Not often do you find environmentalists and utility industry representatives sitting down at the same table, much less nearing agreement. But when George W. Bush took office in 2001, several utilities and green groups had begun to explore a groundbreaking deal. Under its terms, EPA would provide utilities with some future relief from complex and costly "new source review" rules governing the modernization of old power plants—the bane of coal-fired utilities. (New source review requires plants grandfathered under the Clean Air Act to install modern pollution-control equipment whenever upgrades or non-routine maintenance of a plant increase air pollution.) The Clinton administration had sued seven electric utilities for trying to sidestep this requirement, charging that the companies had made

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substantial modifications to old coal-fired plants under the guise of routine maintenance and failed to install this new technology. Many utilities had opted to go to court, but they were eager to avoid future punitive actions.

In exchange for prospective relief from new source review, the power companies were prepared to accelerate their air-pollution reductions through a market-based permit system. Even more significant, several electricity generators were, for the first time, contemplating capping emissions of carbon dioxide, the principal greenhouse gas implicated in global warming. Reflecting the emerging consensus, seven different lawmakers had introduced multi-pollutant legislation in the House or Senate in 1999 that sought to compel utilities to cut back on such emissions, including carbon dioxide.

In the 2000 campaign, Bush effectively signed on to the potential deal, pledging both to revamp new source review and to support market-based legislation to cap power plant emissions of four smokestack pollutants, including carbon dioxide. By the time he assumed office the following year, Bush appeared on the verge of achieving the clean air deal of a decade.

Green advocates saw Bush's pledge as a major advance despite his opposition to the Kyoto Protocol, the international treaty to curb greenhouse emissions. Then, as now, the EPA did not regulate carbon dioxide as an air pollutant, nor did the federal government require industry to reduce carbon dioxide emissions. No matter who was elected, Congress was not going to ratify the Kyoto Protocol anytime soon. But capping carbon dioxide emissions from power plants was a good start for environmentalists and would set an important precedent for imposing mandatory restrictions.

Yet while Bush's carbon dioxide pledge represented a political and policy breakthrough for advocates, the restriction of other emissions from power plants was a far more important public health goal in the near term. Power plants emit millions of tons of sulfur dioxide and nitrogen oxides each year, which mix in the atmosphere to form fine particle pollution, or microscopic airborne soot. Soot may not sound like a public health threat—the word summons up images of blackened chimney sweeps—but soot extracts a greater toll than smog or even global warming. The World Health Organization estimates that particle pollution cuts short the lives of 800,000 people worldwide each year. In the United States, estimates of premature death due to soot inhalation range from 50,000 to as many as 100,000 annually.

Most of those dying from respiratory and cardiac ailments triggered by soot don't just die a few hours or a day earlier than they would have otherwise; the EPA projects that the average victim has 14 years knocked off his or her life. Even more striking, the link between soot and premature mortality has been so extensively documented that EPA analyses now assume that particle pollution causes death—not merely that it is somehow "associated" with early death.

Making the market

The special danger posed by power plant pollution was not lost on those who think about these issues for a living. In 1997, the EPA had promulgated the first national air-quality standard for fine particle pollution, along with tough new ozone standards. The consensus then among environmentally-minded folks at EPA, in the White House, on the Hill, and within the movement was to restrict multiple pollutants at the same time. In particular, a group of EPA career analysts in Research Triangle Park in North Carolina and at the agency's Air Office in Washington had quietly begun promoting and modeling the impacts of multi-pollutant restrictions. However, industry challenged the 1997 EPA standards, and an appeals court dominated by Reagan appointees held them up for several years. The Supreme Court finally cleared the way to proceed with the new air quality standards in February 2001, and within a few months, EPA analysts had readied an aggressive "straw proposal"—the plan they would initially bring to the bargaining table where Clear Skies would be hammered out—for reducing power plant pollution.

The most important EPA official in shaping Clear Skies was Jeff Holmstead, a Bush appointee and head of the agency's Office for Air and Radiation. While EPA administrator Christine Todd Whitman was largely absent from the interagency debate that fashioned Clear Skies, Holmstead served as her point-man on the issue. An even-keeled attorney, Holmstead aggressively lobbied for the EPA's proposal in interagency meetings, steadfastly pressing for tight caps on sulfur dioxide and nitrogen oxide emissions.

While working for White House counsel C. Boyden Gray under the elder Bush, Holmstead had toiled on the Acid Rain program signed into law in 1990, which set the stage for Clear Skies by establishing a novel emissions trading program. The general concept was simple. Rather than the traditional "command and control" model of regulation, a national cap on power plant emissions of sulfur dioxide was set that dropped over time, so that by 2010, emissions would be half of what they were in 1980 or 8.95 million tons. Each year, EPA distributed pollution "allowances" to power plants for each ton of sulfur dioxide emitted that collectively added up to the national cap. These allowances could then be freely traded between utilities—enabling companies that were having trouble reducing emissions to purchase allowances from utilities that had surpluses owing to their progress in curbing pollution. Those whose total allowances were insufficient to cover their emissions at the end of the year incurred automatic hefty fines.

The Acid Rain program turned out to be a public policy success story at a fraction of its projected cost, and set a precedent for the use of emissions trading to reduce interstate air pollution. But it also marked a sharp departure from the litigation-ridden and loophole-laden pro-

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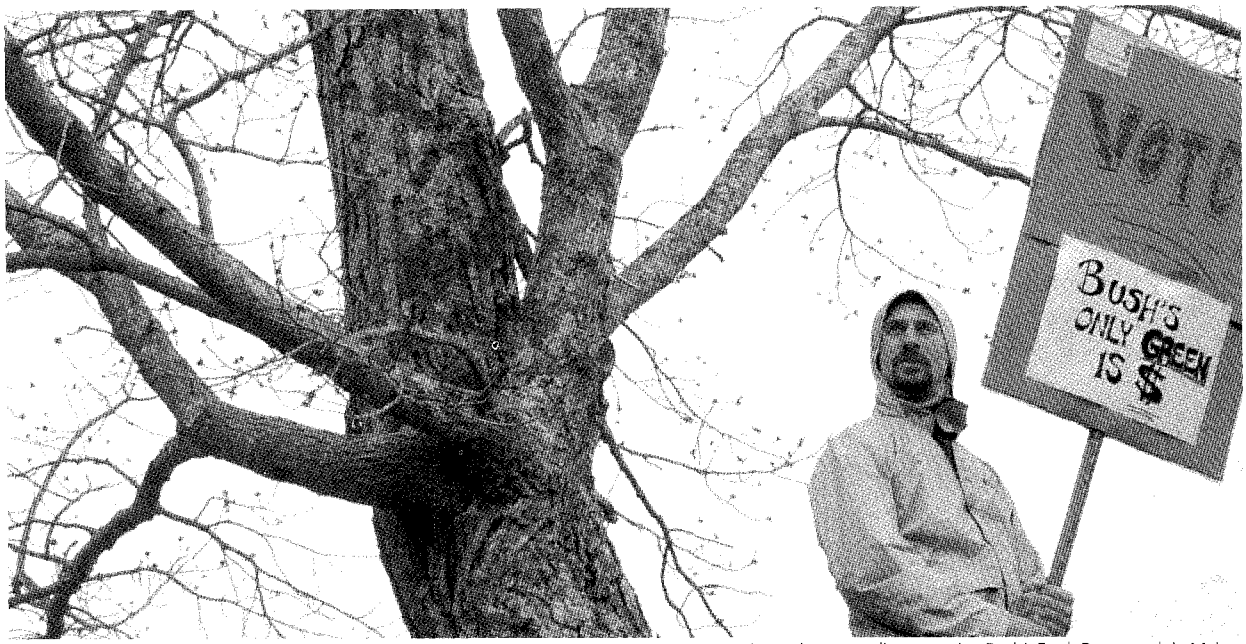

Getty Images

An environmentalist protesting Bush's Earth Day speech in Maine.

cedures of the Clean Air Act, under which each state prepared its own plan for the EPA, one pollutant at a time, to regulate emissions within state boundaries. By the time Bush took office, even many environmentalists were searching for market-based "cap-and-trade" programs to curb power plant pollution rather than pursuing the traditional regimen of Clean Air Act enforcement.

Despite his support for the Acid Rain program and his steady advocacy of EPA's ambitious multi-pollutant proposal within the administration, Holmstead was soon pegged as an industry lackey during the battle over Clear Skies. He was the public face of the administration's industry-friendly campaign to dismantle new source review of old power plants, a program popular among lawyers in the EPA's enforcement division. Several of them later quit the agency in disgust and joined green advocates in routinely portraying Holmstead as a utility yes-man to reporters, an image solidified by a *New York Times Magazine* cover story in April 2004.

Scrubbers and mine workers

Yet if Holmstead was distrusted by some as too friendly with industry, he and the EPA were considered too close to environmental groups by those inside the White House and at the Department of Energy—both of which brimmed with former energy industry executives. Almost as soon as an interagency group formed to design Clear Skies, Energy staffers began challenging EPA's straw proposal. Unlike the soft-spoken Holmstead, his counterpart at the EPA, Energy's Frank Blake had a flair for dramatic sound bites about the damage that regulation inflicted on industry. "It became the Frank and Jeff show every week," recalls another member of the interagency group.

When the interagency process to draft Clear Skies began in earnest in summer 2001, the key decisions in reducing fine particle pollution were how low would the sulfur dioxide cap be set, and how long would power companies have to slash emissions. The lower the cap, the more lives that would be saved. Yet low caps would also force several hundred coal-fired plants to install expensive scrubbers at a cost that would run into the billions. Blake insisted that EPA's proposed cap was so low that it would to force a number of small coal-fired plants to close, and would raise electricity prices and strain relations with the coal industry. Eventually, Blake presented an Energy Department counterproposal that would have doubled the straw proposal's cap on sulfur dioxide emissions and allowed utilities to skip phasing in larger emission reductions over time.

With their deputies stalemated in the interagency group, the agency heads sought to reach agreement at a cabinet meeting in February 2002. The meeting was apparently inconclusive, and White House officials made an executive decision to roughly split the differences between EPA and Energy's emission caps and schedules to create what now became Clear Skies.

Ironically, it was not the energy industry but a longstanding Democratic constituency—the United Mine Workers—which helped convince the White House to dilute the EPA proposal. The UMW had endorsed Al Gore in the 2000 election, but the defection of rank-and-file members had helped Bush carry heavily-Democratic West Virginia, providing Bush with his margin of victory. In the Bush White House, political guru Karl Rove tended solicitously to the union. On Aug. 23, 2001, Rove met with union president, Cecil Roberts, who complained about the ambitious emission caps in EPA's straw proposal and their potential to cause fuel-switching from coal to natural gas, costing coal-miners their jobs. In the months that followed, EPA and the Energy Department were repeatedly tasked with showing that their plans

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would not undercut union employment in Appalachian and Midwest states.

Then, as the cabinet meeting neared, Roberts wrote Rove to express his objections to several components of the EPA proposal, including the 2-million-ton sulfur dioxide cap in 2013. "We continue to view a sulfur dioxide target in the range of 3 to 4 million tons as reasonable," Roberts stated in a Jan. 18, 2002, letter. "We do not support other proposals for less restrictive sulfur targets." Almost as if on cue from the union, the White House scaled back and stretched out the EPA proposal, capping sulfur dioxide emissions at 4.5 million tons in 2010 and 3 million tons in 2018. The result was a somewhat watered-down version of the EPA's hard-charging proposal that split sulfur dioxide reductions into two phases, but still mandated a 70 percent reduction of emissions by 2018.

Even thus scaled back, Clear Skies still required power plants to make reductions in air pollution that went far beyond the cutbacks required by the existing Acid Rain program. Yet when Bush unveiled Clear Skies on Valentine's Day in February 2002, his plan earned few plaudits. It came too late: The politics of clean air legislation had changed irrevocably. Any goodwill on the part of environmentalists had been lost, and a narrative had been set in the media which made Bush a champion of polluters.

The grand compromise that had seemed in the offing in 2000—relaxing new source review rules in exchange for mandatory caps on carbon dioxide emissions—was in tatters. Less than 60 days into office, Bush abruptly reneged on his campaign promise to cap power plant emissions of carbon dioxide at the behest of the coal industry. Taken in tandem with the administration's public renunciation of the Kyoto Protocol, the policy reversal meant that Bush had effectively abandoned the goal of ultimately reducing carbon dioxide emissions.

For environmentalists, the sticking point on Clear Skies wasn't the sulfur dioxide caps, or even the administration's plan to gradually cut power plant mercury emissions through a cap-and-trade scheme, instead of mandating steep reductions at each coal-fired plant. Clear Skies' overriding failure was rather its lack of a cap on carbon dioxide emissions. Utilities had to make massive, decades-long investments to install new pollution controls to simultaneously reduce sulfur dioxide, nitrogen oxide, and mercury emissions. The odds that power plants would then roll over and willingly install billions of dollars of separate carbon dioxide controls were close to nil.

The absence of a carbon dioxide cap soon set off an intractable stalemate in Congress. The Bush administration flatly refused to consider carbon caps, while Democrats and environmentalists were just as adamant that multi-pollutant legislation had to include carbon dioxide restrictions. But Bush's bow to the coal industry—and the fact that power generators agreed to back much of the Clear Skies bill after Bush abandoned his carbon dioxide campaign pledge—tainted every aspect of the bill as a shameless sop to industry.

To make matters worse, the administration made the politically foolhardy decision to release its toothless climate change policy at the same time as Clear Skies. (The climate change policy called for industry to voluntarily slow the growth rate of greenhouse gas emissions). The White House had gambled that the significant advance represented by the clean air proposal would help offset criticism of a lame global warming policy.

Instead, as so often happens, the resulting attacks on the climate-control policy tainted Clear Skies, convincing environmentalists that the administration was not serious about curbing industry emissions. The entrenched opposition of green groups was strategic in part—rather than acknowledge the benefits of Clear Skies, key environmental leaders chose to attack the administration's bill in hopes of securing a "concession" on carbon dioxide restrictions. Politicians, less-savvy advocates, and rank-and-file supporters followed suit, without much of an idea of what Clear Skies would and would not do.

By the spring of 2002, most green groups had given up trying to work with Bush. Instead, the eco-advocates were looking for evidence to expose the administration's campaign to protect polluters. They soon got it. Or at least it seemed that way.

Green monsters

Shortly after Bush unveiled Clear Skies, an internal EPA PowerPoint presentation from September 2001 surfaced that contained an incriminating slide. The slide suggested, by implication, that the Bush plan actually did allow more air pollution than the existing Clean Air Act. If true, Clear Skies was worse than inadequate—it was a dangerous, dishonest bill that the EPA itself knew would result in more deaths and pollution than the current law. All of the fears of environmentalists seemed confirmed. And they reacted with outrage.

A Who's Who of green groups denounced Clear Skies for weakening existing law in 2002 and 2003, including the Natural Resources Defense Council, the American Lung Association, Environmental Defense, the Sierra Club, the League of Conservation Voters, and the National Environmental Trust. Once it became green gospel that Clear Skies allowed more pollution than the Clean Air Act, politicians and advocates felt free to snicker at the Bush proposal. The president's "absurdly named 'Clear Skies Initiative,'" wrote National Resources Defense Council president John H. Adams, "would allow 50 percent more sulfur emissions and hundreds of thousands of additional tons of smog-forming nitrogen oxides into our air." Robert F. Kennedy Jr. called Bush's plan the "Clear Lies Initiative."

Environmental legislation that created more deadly pollution was indeed morally vacuous—and it wasn't

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long before religious eco-advocates started assailing Clear Skies. In April 2004, the National Council of Churches wrote Bush to express their "grave moral concern about your 'Clear Skies' initiative.... Scientific estimates, some by the federal government itself, cause us to question whether this 'Clear Skies' proposal meets fundamental moral responsibilities as set out by the Bible." Al Gore joined the green chorus, accusing the Bush administration of using "Orwellian language to disguise their true purposes. . .a policy that vastly increases the amount of pollution that can be dumped into the air is called the 'Clear Skies Initiative.'"

There was only one flaw in the advocates' assault. Clear Skies didn't increase the amount of pollution that can be dumped into the air. A closer look at the leaked EPA document that started the firestorm shows that it was misleading. In their efforts to assuage power industry fears about Clear Skies, EPA officials had been too cute by half—overstating their case and never imagining that their presentation could fall into the hands of environmental critics.

The PowerPoint slide in question came from a 24-page series of charts, maps, timelines, and bulleted text that a small group of EPA analysts and officials presented to the Edison Electric Institute, an industry trade group, exactly one week after the attacks of September 11. EPA policy analysts were hungry to stake out a tough bargaining position with the power industry. For the staff, the overriding aim of the EEI briefing was to make sure that the utility industry would buy into aggressive multi-pollutant legislation. The alternative, EPA feared, was that utilities would attempt to delay pollution reductions by using the Clean Air Act to pursue the traditional state-by-state approach to individually curtail sulfur dioxide and nitrogen oxide emissions.

The EPA presentation included a number of charts comparing the preliminary EPA multi-pollutant "straw proposal" to "business-as-usual" enforcement of the Clean Air Act. Essentially, the EPA folks rigged the presentation to make their new approach to pollution-reduction look like the far better deal for industry. In order to compare what would happen under Clear Skies with what would take place under the Clean Air Act, the analysts used some fuzzy math: They simply plugged in emission caps in the Clean Air Act scenario similar to those in the agency's straw proposal, without undertaking serious analysis of what steps the states might actually take under the Clean Air Act to reduce pollution. This mock comparison appeared to toughen the existing law's requirements, making the straw proposal alternative $3 billion cheaper for power plant companies. One EPA career official who helped prepare the EEI presentation says the agency basically "created the business-as-usual scenario [of what would happen under the Clean Air Act] out of whole cloth. To be honest, we wanted to scare the hell out of the utility industry."

But EPA's attempt to bluff industry representatives roundly backfired. The EEI representatives at the briefing saw through the scam, scoffing at EPA's business-as-usual projections—and then the briefing charts leaked. The presentation had never been intended for public consumption. And as it turned out, the slide summarizing the business-as-usual scenario provided a wildly optimistic rendering of the implementation of existing law. One EPA analyst jokingly described the idealized emissions caps as a "wet dream scenario." It's true that the Clean Air Act as originally enacted cracks down on polluters by providing a tight enforcement regimen and has prompted states to slowly reduce pollution over the last several decades. All too often, however, the law has led the federal government to set unrealistic deadlines and standards, resulting in multi-year extensions for states and litigation-driven delays.

After the briefing charts became public, the Bush administration tried in vain to counteract the misleading PowerPoint slide show with its own full-dress analysis comparing Clear Skies to the Clean Air Act. This official analysis (which, for several reasons, overstated Clear Skies' benefits) suggested the Bush bill would reduce utility emissions by 35 million more tons than the Clean Air Act over the next decade.

But the damage was done. The administration never managed to recover from the false impression that EPA itself believed Clear Skies weakened existing law. "All of us who worked on Clear Skies assumed that as soon as the president announced the proposal environmental groups would jump on it and say it didn't go far enough, quick enough—that was a fair debate," says Holmstead. "But all of us were also completely unprepared for the charge that we were gutting the Clean Air Act. In our view, that accusation was pretty dishonest."

Mild forecast

It was bad enough that green groups dismissed Clear Skies *en masse* as worthless or even harmful. Advocates soon compounded the policy gridlock by setting impossible standards for a pollution reduction strategy that they would accept. They did this by playing a shell game about the requirements of existing law. The environmentalists' were obviously in danger of having their bluff called: If the existing Clean Air Act was sufficient, no new legislation was required. So the advocates switched horses, saying that the EPA's ambitious straw proposal, not the business-as-usual scenario, embodied the emission cutbacks required by the Clean Air Act. Yet according to EPA staffer John Bachmann, who helped craft the straw proposal, the plan was never intended to substitute for existing law or be released as some kind of official initiative. Its purpose, instead, was to "start negotiation. This was our opening bargaining position, and you start with an aggressive bargaining position or you get a weaker deal."

The Natural Resources Defense Council, the Sierra

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Club, and the U.S. Public Interest Research Group all championed the straw proposal, alleging on SaveTheCleanAirAct.org that it "speaks volumes about the minimum reductions in power plant sulfur dioxide and NOx needed to comply with the current Clean Air Act." Sens. James Jeffords (I-Vt.) and Joseph Lieberman (D-Conn.) offered a Democratic alternative to Clear Skies that was even more radical than the straw proposal and imposed expensive caps on carbon dioxide emissions. A 2004 analysis of the bill, funded by the environmental group Clear the Air, found that it would cost about $34 billion annually by 2020, triple the cost of the straw proposal.

The hitch with the straw proposal was that at the time of the EEI presentation, the EPA had not assessed whether it was realistic to require power companies to install several hundred sulfur dioxide scrubbers by the hypothetical deadlines spelled out in the preliminary plan. When EPA staff later analyzed the feasibility of Clear Skies' (much looser) emissions caps, they concluded that there was barely enough time in the first phase of the bill to recruit skilled boilermakers to install scrubbers, much less get needed permits for landfills and other procedural requirements. "Early on," says Bachmann, "we became convinced that we couldn't do the straw proposal." That was unfortunate, because the straw proposal would have saved about 5,000 more lives a year when implemented than the Clear Skies legislation. Here, the enviros raised an important point: Larger pollution reductions than those envisioned in Clear Skies were cost effective and might reasonably be achieved with a more drawn-out schedule. That debate, over how fast and how far to cut emissions, was the right battle to have over Clear Skies. But it was not the battle that prevailed in Washington.

The thin green line

The response of environmental advocates to Clear Skies is not altogether surprising, given the movement's loathing for Bush and his appointees, many of whom were drawn from the ranks of industry lobbyists. Yet for many years, green advocates have often shown a self-destructive intolerance for compromise. Many activists chastised Al Gore when he was vice president for his environmental record, though Gore was the most informed and committed environmentalist to ever fill the vice presidency. (In 1999, *Time* ran an article in its Earth Day issue with the headline "Is Al Gore a Hero or a Traitor?") Ultimately, the environmental movement's intense pressure to hold ranks—call it the thin green line—precluded honest debate about Clear Skies.

Just one environmental organization, the Adirondack Council, testified in support of Clear Skies. For its efforts, the Adirondack Council was promptly named the "Clean Air Villain of the Month" in April 2002 by the Clean Air Trust, a hall of shame award ordinarily bestowed on big polluters and their industry-friendly lawmakers. The Clean Air Trust singled out the Adirondack Council for censure in part because it had "broken ranks with other environmental groups." Yet the Adirondack Council was no industry shill. It had sued EPA to stiffen the agency's 1990 Acid Rain program guidelines, and testified before Congress that the timetable for Clear Skies' emission caps should be sped up. The nonprofit favored Clear Skies because the bill mandated large reductions in the two primary pollutants contributing to the acid rain that had riddled the Adirondack Park. To other advocates, however, that was no excuse for dissent. In another instance, Sen. Thomas Carper (R-Del.) subsequently tried to broker the legislative logjam between the Bush administration and Sen. Jeffords by offering a compromise bill that lowered the pollution caps in Clear Skies but also capped carbon dioxide emissions. Carper, too, was named the Clean Air Villain of the Month.

If there were lingering doubts about the thin green line, they vanished in April 2003 after the EPA released its proposed rule to cut harmful emissions from off-road diesel vehicles (e.g., tractors, bulldozers, backhoes, etc.), a change that would reduce fine particle pollution by curtailing diesel soot and nitrogen oxide emissions. This rule may be the only Bush administration clean-air measure that environmentalists have consistently praised. Many environmentalists had long sought aggressive regulation of off-road diesel engines; finally, here was a Bush initiative that green activists could support.

The moment of consensus ended abruptly, however, when the Natural Resources Defense Council made a public relations faux pas, issuing a press release that was too complimentary, calling the proposal, "the biggest public health step since lead was removed from gasoline more than two decades ago." Green groups pounced. In his "In the Loop" column, *The Washington Post*'s Al Kamen reported that "other enviro groups were apoplectic, saying that the compromise [EPA] proposal was a perfectly fine and important initiative, but the NRDC's effusive praise would cripple environmentalists' efforts to criticize the administration's overall, far-from-perfect record." NRDC soon removed the offending press release from its Web site, and in June of that year, the organization sent EPA administrator Whitman a "corrected"—and less effusive—statement of support for the off-road proposal.

Bush, enviro

It could be argued that the Bush administration's record in reducing soot and smog pollution is surprisingly strong. Though the administration came to power with a reputation as environmental despoilers, it went to the Supreme Court to defend Clinton's 1997 air quality standards against industry challenges. It maintained all of the Clinton administration regulations to reduce diesel soot and nitrogen oxide emissions, and continued pros-

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ecuting the controversial Clinton-era new source review cases against power companies (although it did subsequently bring new enforcement actions and investigations to a virtual halt). It issued its own groundbreaking rule to reduce harmful emissions from off-road vehicles. And it proposed legislation to cut power plant pollution by nearly 70 percent.

Nevertheless, by December 2003, the administration realized that Clear Skies wasn't going to make it through Congress and dropped the proposal in favor of a fallback option, the Clean Air Interstate Rule (CAIR). Swapping a legislative effort for the regulatory route allowed Bush to avoid Congress and strip out provisions that environmentalists objected to on new source review and mercury standards. CAIR, however, is significantly more vulnerable to court challenges than Clear Skies would have been (it is easier to bring a challenge to regulations than to enacted law) and will undoubtedly be held up, not unlike the Clinton administration's 1997 air quality standards.

By all rights, green groups should have gotten behind CAIR. It established a cap-and-trade system to reduce interstate air pollution in 29 Eastern states and D.C. and set emissions caps similar to Clear Skies, requiring states to cut sulfur dioxide and nitrogen oxide emissions by about 70 percent in the next 10 years. By 2015, the CAIR rule will prevent 13,000 early deaths and save $80 billion each year. With the exception of the 1997 air quality standards, the new EPA proposal is projected to save more lives than any air pollution regulation issued by the Clinton administration.

Yet when the EPA unveiled CAIR, environmental organizations were uncharacteristically silent. The Natural Resources Defense Council, the American Lung Association, Environmental Defense, and the Sierra Club did not put out a single press release lauding the initiative. A few advocates let their anti-Bush critique run on auto-pilot. (CAIR "will do more than add insult to injury," said Angela Ledford, director of Clear the Air, in a statement. "It will heap injury upon the injured.") And the administration made it easy for them, repeating their earlier mistake from the Clear Skies introduction by jointly releasing CAIR and a new mercury rule that would reduce mercury emissions through a cap-and-trade scheme instead of mandatory plant-by-plant restrictions. Not surprisingly, the mercury proposal got all of the attention—most of it negative—and served to cement the administration's image as anti-environment. Today, the Clean Air Interstate Rule is still virtually unknown, despite its vast potential public health implications.

A breathtaking bet

In the 1970s, Daniel Patrick Moynihan penned *The Politics of a Guaranteed Income*, his classic study of how the perfect becomes the enemy of the good in Washington. Moynihan detailed a self-defeating process that followed a series of predictable steps. First, a president proposes an uncharacteristically generous program. The president's foes attack the program ferociously, instead of being encouraged by the unexpected show of support from the White House. For advocates, the perceived inadequacy of the reform plan becomes so intolerable that they announce they prefer the current system to a new one. Next, some of the president's traditional allies turn on him. In the last stage, a strange-bedfellow coalition of liberals and conservatives torpedoes the legislation for opposite reasons. Afterwards, perhaps decades later, the advocates look back with a hint of wistfulness on the reform that got away.

The battle over clean air policy is well on its way to replicating the process outlined by Moynihan. Libertarian allies of the administration, such as the Property Research and Environment Center, have recently blasted Clear Skies and CAIR as burdensome, costly regulation. Major power companies in the Utility Air Regulatory Group are balking at the emissions cuts the administration had proposed and have opposed CAIR as a "premature" proposal that circumvents the Clear Air Act's state-by-state approach. In the spring of 2004, the industry trade association quietly requested that the administration abandon its effort to regulate interstate transport of air pollution through CAIR, in favor of letting each state propose its own plan. And so the process has bizarrely come full circle—with the utilities now asserting that all EPA needs to do is follow the mandates of the Clean Air Act.

The best that can be said about the Clear Skies debacle is that it may not end as a case study in futility. If the administration lives up to its word, CAIR will be finalized later this year and power companies will face new curbs on pollution—or at least until the regulation is challenged in court. But there's also cause to think that the three-year stalemate over Clear Skies will prove costly. The congressional gridlock has given utilities an excuse to delay the time-consuming prep work for installing hundreds of new sulfur dioxide scrubbers; between 2002 and 2003, deadly sulfur dioxide emissions from power plants actually increased by four percent.

With Bush's reelection and the Republican control of Congress refortified, it's clear that the environmentalists' hope that Congress would soon enact carbon dioxide restrictions on power plants was a pipe dream. Already, Bush aides are saying that the administration will press for Clear Skies again in the second term. But starting over with legislation in 2005 will make it all but impossible that lawmakers can commit to the fast timetable for reducing emissions that advocates favored in 2002. The calculus is simple but brutal: Delays in the clean-up of power plant pollution mean thousands more Americans die needlessly. In Bush's first term, green groups gambled they could get far more sweeping reforms than Clear Skies. In the second term, that gamble—to use the parlance of clean air advocates may prove a breathtaking bet. ◆

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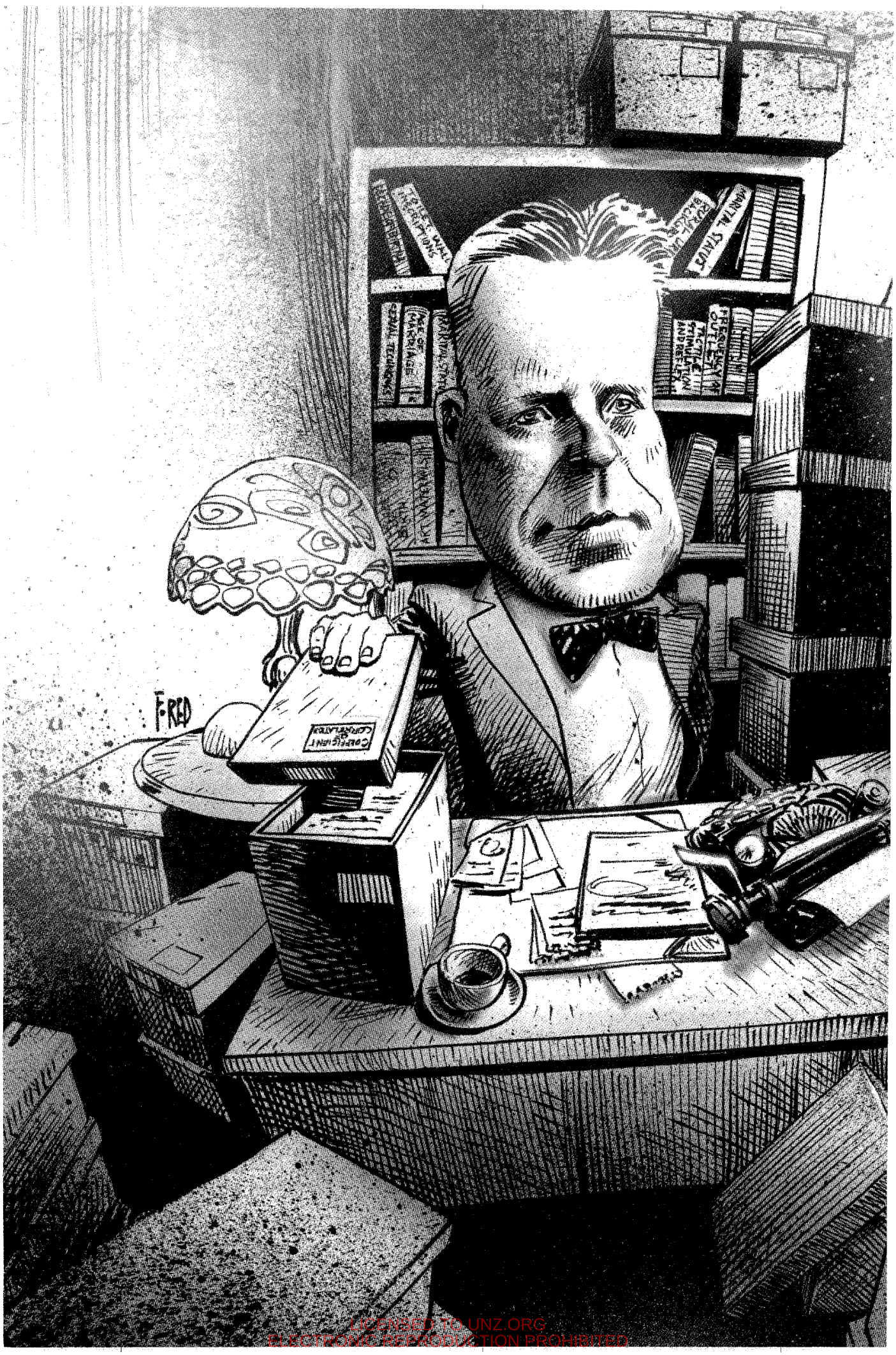

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The Joy of Sexology

Does it matter that Alfred Kinsey enjoyed his work more than he let on?

By Christina Larson

Illustration by Fred Harper

In September, Fox Searchlight, a film studio known for such offbeat sleeper-hits as *Thirteen* and *Bend It Like Beckham*, arranged one of the first screenings of its upcoming movie, *Kinsey*, which stars a tweed-clad Liam Neeson as 1940s sex researcher Alfred Kinsey. Movie previews are often glittering affairs, staged in posh Los Angeles or New York venues, attended by impeccably dressed actors, film critics, and publicists. But the *Kinsey* screening was different. It was held in a small theater in Washington D.C., and afterwards the guests—a motley crew of bloggers, political reporters, and think-tank denizens—hovered around the director, Bill Condon, lobbing high-minded questions about academic freedoms and rewiring societies. These are not the sort of people, that is, who can ensure a film's financial success.

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The event didn't make *The Washington Post*'s gossip column the next morning, but its purpose was different: to win articulate friends. Both the studio and the director knew it needed them. Months earlier, conservative activists had launched an onslaught against the film. Radio host Laura Schlessinger and Judith Reisman, author of a book titled *Kinsey, Sex, and Fraud*, tried to place ads in a Hollywood trade publication alleging Kinsey was a pervert and a pedophile. (Their ads were declined as obscene.) Focus on the Family and Concerned Women for America, two social conservative organizations, later bombarded newspaper film critics with mailers impugning Kinsey's character and research. When *Kinsey* opened to the public, the Abstinence Clearinghouse, a network for chastity educators, organized foot soldiers to picket theaters and hand out pamphlets titled "Casualties of Kinsey." The group's director, Leslee Unruh, explained that "Kinsey should be looked upon in the history books as Hitler, as Saddam Hussein."

Other 20th century avatars of sexual open-mindedness don't draw comparisons to perpetrators of mass genocide, including those who came earlier and yelped louder than Kinsey. After all, there was Sigmund Freud, who first popularized talk of sex, including deviant sex, beginning in the early 1900s; Margaret Sanger, who advocated birth control to enable women to separate sex from pregnancy in the 1910s and 1920s; Gore Vidal who lionized gay men in literary fiction in the 1940s; Hugh Hefner, who introduced American men to the Playboy fantasy in the 1950s; Mary Calderone, who promoted sex education and founded SIECUS (Sexuality Information and Education Council of the United States) in the 1960s—the list goes on.

While conservative pitchforks have been raised at each of these harbingers of the sexual revolution, the anger directed at Kinsey even today, a half century after his death, is unique. For decades, every member of Congress who has tried to choke the spigot of federal funding for sexuality or AIDS studies has hurled invectives at both Kinsey and the University of Indiana research center that bears his name. When the 50th anniversary of his books arrived, conservatives marked the occasion by founding new anti-Kinsey advocacy organizations, such as Restoring Social Virtue and Purity (RSVP). Each year, the Abstinence Clearinghouse devotes two hours of its annual conference to debunking a man whose fame and influence peaked generations ago.

Why does Kinsey hold such a distinct place in conservative crosshairs? The answer is the same reason that his studies of American sexual behavior were so influential when they first appeared. Unlike Freud, whose theories were debated by the educated classes, Kinsey published books that everybody read—or read about. And unlike Henry Miller, Bob Guccione, or Xaviera "the Happy Hooker" Hollander, Kinsey didn't present himself as an advocate of sexual license, but as an objective scientist describing the sexual profligacy and heterogeneity that already existed in American culture. It was the apparent impartiality of his data that so shook America's settled notions of sexuality, as deeply as Darwin's theory of natural selection did the literalist Biblical notions of creation.

As with Darwin, detractors have tried for decades to roll back Kinsey's influence by raising questions about the messenger and the reliability of his enterprise, portraying Kinsey as more pervert than researcher, someone who hid his libertine agenda behind a white lab coat. "Kinsey was a promiscuous sado-masochistic bisexual," charges CWA's Bob Knight, "who tailored his research to validate his sexual appetite. He sought out sexual perversions—he projected that as picture of average American sex life."

Those who've protested the release of *Kinsey*, however, could have saved their energy. Though sympathetic to its subject, the film, directed by Bill Condon, is no naïve hagiography; in some respects, it actually affirms the right's view of Kinsey as a man who was far more than a mere observer of Americans' sexual habits—though, of course, it doesn't condemn Kinsey because of it. The screenplay draws heavily on two recent biographies, James H. Jones's *Alfred C. Kinsey: A Public/Private Life* and Jonathan Gathorne-Hardy's *Kinsey: Sex, the Measure of All Things*, and focuses on the interplay between Kinsey's personal and professional lives. In Condon's treatment, Kinsey's private anxieties—his rebellion against a puritanical father, his wedding-night sexual humiliation—fueled an unflinching devotion to his research, as well as unconventional relationships with his wife and close associates. In the course of collecting data, he encouraged his close researchers to experiment with multiple sexual partners, and he did the same, welcoming both male and female lovers. He kept his wife, Clara, informed of his carnal explorations, and prodded her to take on other lovers as well. Notably, in one scene, Kinsey and one of his staff assistants, Clyde Martin, (played by Peter Sarsgaard) share close quarters during a cross-country trip to collect interviews. One night in a hotel room, Kinsey sits on a bed professing his idea of a continuum between heterosexual and homosexual behavior, pondering whether most people had experienced, to at least some degree, both impulses. Martin, gazing at his teacher through half-shuttered eyes, then inquires of Kinsey's own urges. The good doctor admits his inexperience, hesitates, and then succumbs to Martin's purring entreaty, "Would you like to do something about it?" The scene cuts away with a passionate kiss, discreetly leaving the watcher to imagine the ensuing choreography.

Kinsey is not the only recent reinterpretation of Kinsey's life that flings open the bedroom door. T.C. Boyle's new novel, *The Inner Circle*, finds delicious dramatic potential in Kinsey's relationships, professional and otherwise, with a few of his close staff members. As Boyle explained at a book reading in Washington, D.C., though his scenes and most of the characters are invented, he did attempt to be faithful to the available facts about Kinsey's life. Boyle is certainly no mouthpiece for James Dobson,

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yet one of the book's themes is the deliberate lengths to which Kinsey must have gone to maintain the respectable image of a disinterested scientist. When one of his research assistants, John Milk (who eventually sleeps with Kinsey's wife) announces that he intends to get married, Kinsey exclaims, "But this is great news! To have you *married*, Milk—don't you see what this will do for the project? You won't be—and you'll forgive me—so wet under the ears, or appear to be, at any rate."

Each chronicler of Kinsey's life offers a slightly different take on whether his personal life drove his research, or vice versa. To some, he was a tenacious researcher whose innate curiosity probably helped him get closer to the truth. "Kinsey really was that geeky person, trying to get fastidious collection of entire realm of human sexual experience," explains Dr. Pepper Schwartz, professor of sociology at the University of Washington. To others, as *Kinsey* director Condon explains, Kinsey was "an artist, driven through this very deep personal damage, looking for information that would help to heal him." And to conservative critics, Kinsey was a pervert lusting after approval for his own fetishes by exaggerating the extent which others shared his predilections.

How quaint it seems now that, during his lifetime, journalists who came knocking for Kinsey naively saw only a ho-hum professor of zoology, happily married, with no apparent axe to grind. As a contemporary *Look* magazine article read, "Today on the campus of a Midwest university, a soft-spoken, keen-eyed man is quietly at work—producing a social atom bomb." But then again, maybe those reporters were on to something: The research *was* far more interesting than the man. His surveys, not his sex life, produced a social explosion.

Gall wasps, trail mix, and road trips

Kinsey was a part of the generation that Arthur Schlesinger, writing in the *Partisan Review* in 1949, dubbed the age of the "Statistical Soldier," when Americans' appetite for approaching social questions by accumulating case histories reached its zenith. In the 1940s, George Gallup gained icon status for pioneering political polls; GM sales managers plastered their walls with giant weekly maps of counties coded for color preference of cars; and economist Gunnar Myrdal exposed the systematic effects of racism on African Americans with a multi-volume encyclopedia, *An American Dilemma*.

The epitome of this scientific obsession with quantification, Kinsey, a tenacious student, escaped an unhappy childhood to study biology at Bowdoin College and later Harvard, before settling down in the comparative bucolic paradise of Bloomington, Ind., as a professor of zoology at Indiana University in 1920. His specialty was the physiology of the gall wasp. Kinsey spent much of the Roaring Twenties on solo cross-country road trips, collecting over a million insect samples, which he meticulously labeled, mounted, and arranged on pins in wooden cases, 800 to a box, to catalogue the minute variations in specimens taken from different hillsides.

A workaholic who munched on trail mix at his desk so he could avoid taking a lunch break, Kinsey published articles attacking what he perceived as the laziness of the current crop of leading taxonomists, claiming they had failed to amass adequate data to provide reliable samples. He later turned his glare to the state of research on sexual behavior, an interest stirred in part by rebellion against his puritanical upbringing, by his post-honeymoon perusal of how-to marriage handbooks (he and his wife, both virgins, had awkwardly failed to consummate their marriage on the honeymoon), and by an outbreak of venereal disease in the late 1930s that left college students nationwide clamoring, under the banner of public health, to update euphemistic marriage courses with instruction about protection and contraception.

In 1938, Kinsey was recruited to teach Indiana University's first "Marriage Course." Before a giddy, curious, and crowded lecture hall—no surprise that the course was hugely popular—Kinsey pointed to slides of male and female reproductive organs, detailed the six stages of sexual arousal, explained methods of contraception, and lectured on "individual variation," a biology-derived theme that Kinsey applied to the study of sex. Perhaps reflecting on his own anti-climactic honeymoon experience, he told the marriage class, "In an uninhibited society, a 12-year-old would know most of the biology which I will have to give you in formal lectures as seniors and graduate students."

Kinsey quit teaching two years later to conduct the first large-scale survey of Americans' sexual experiences. He perfected his interview techniques, developed a shorthand to record answers without disrupting a conversation, trained a handful of research assistants, and hit the road for the 48 states in a modified truck with an extra fuel tank and heavy springs for cross-country terrain that his students had nicknamed the "Kinsey juggernaut." His goal was to collect 100,000 sexual histories; he ultimately got 18,000.

In 1948, he dissected the nation's sex life in the first of two volumes (of a planned series of nine), *Sexual Behavior in the Human Male*. He methodically sliced Americans' bedroom experience by marital, premarital, and post-marital experiences; by frequencies of intercourse, masturbation, and orgasm; by preferences for position, foreplay, and gender of partner. In 173 graphs and 162 tables, Kinsey correlated these trends with subjects' occupation, education, hometown, church attendance, age at onset of puberty, and a dozen other variables to find, for example, that better educated couples prolong foreplay; that men and women reach their sexual peak at different ages; that blue-collar workers tended to have affairs earlier in their marriage, while white-collars workers tended to stray later. Physiologically, Kinsey demonstrated that masturbation doesn't cause infertility, that nearly every part of the body is sensitive to some degree of erotic stimuli.

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Previously, Americans had to rely on pornography, older siblings, and the family doctor for practical tips about sex. The desire for better information—as well as a natural curiosity about what the neighbors are doing and the fact that a dispassionate aura of scientific respectability surrounded the book—made *Sexual Behavior in the Human Male* an instant bestseller. It sold 200,000 copies in the first two months, and the publisher kept its presses running through the night to churn out enough copies. *Time* compared the book's release to the blockbuster publication of *Gone with the Wind*. Mae West published an open letter to Kinsey in *Cosmopolitan*, offering to compare notes on sexual histories and practices. At the 1948 Republican National Convention in Philadelphia, delegates sported buttons proclaiming, "We Want Kinsey, the People's Choice." He had given a nation the perfect reason to talk about sex—it was scientific.

Hoosier daddy

Despite his fame and the ballooning speaking fees he could command, Kinsey did not proselytize. He didn't tell anyone what they *should* do—he didn't need to. His research could speak for itself, and he was determined that it not languish in academic libraries. Before the first volume's release, he had been courted by several publishers. Though he accepted the university's recommendation to sign with an academic rather than a popular press, he worked to ensure provisions for distribution to the lay reader, as well as the specialist. He convinced several journalists to let him review their pre-publication articles for "factual" accuracy and often offered such suggested revisions as putting greater emphasis on the fact that his funding came from the reputable NSF and Rockefeller Foundation. He proposed friends and colleagues as book reviewers at several major papers. The initial response to the book was indeed enthusiastic and respectful.

Kinsey's books changed minds—and the law. Shortly after the first book's release, an influential review in *The New York Times* called for revising state sodomy laws in accordance with Kinsey's data that such acts were not altogether uncommon. Kinsey had documented that a plurality of younger American men were guilty of at least one act then illegal in some or all states, including premarital sex, homosexual sex, extramarital sex, oral sex with a spouse, anal sex with a fiancée, among others. Within a few years, the American Law Institute recommended decriminalizing consensual acts between adults, and many states subsequently revised their penal codes. His data, and that of subsequent researchers who followed in his wake, armed the lawyers who revised penal codes, educators who created sex-education curricula, and gay rights activists who lobbied for social acceptance and against discriminatory hiring policies that institutionalized their treatment as a deviant underclass. They cited his books, though rarely the man himself.

Not everyone saw this as progress. Conservatives and religious leaders resented being told "that our brave men home from the Pacific were adulterers, that their wives had been unfaithful while the heroes were at war," as WWII veteran Col. Ron Ray, now a spokesman for the anti-Kinsey group RSVP, remembers today. Moreover, they bristled to hear a growing chorus of lawyers and activists argue that penal codes shouldn't have a role in enforcing sexual morality because of what this man Kinsey had dug up.

By the time Kinsey's second volume, *Sexual Behavior in the Human Female*, was published in 1953, critics like Billy Graham began to whisper that not only was Kinsey's project tasteless, it must be wrong: His record of brides who weren't virgins at the altar, for example, must be skewed, as "no respectable Christian women" would have participated in such a survey. In other words, they began to question how his motives affected his methods.

Let's talk about sex statistics

Kinsey's hitherto unrecognized talents, both as a lover and a self-promoter, make some people more thankful for his work, others more resentful. But did his fantasies lure him to seek interviews wholly or primarily from a circus of sexually unconventional people, leading to fun-house-mirror distortions in his numbers?

As conservatives rightly point out, and anyone working in the field of sexuality research today will acknowledge, Kinsey didn't obtain a statistically representative sample of America. A modern researcher would have approached Kinsey's quest differently. However, Kinsey was neither lazy nor nefarious in designing his enterprise. He worked at a time before modern social science methods for selecting random population had been developed. "He started at time zero. There was no one whose work he was building on," says Edward Laumann, a professor sociology at the University of Chicago who in 1992 undertook a modern survey of American sexual behavior. "[Kinsey] was a meticulous scientist and a man of sufficient ego, as am I, that he didn't want to be wrong. So he tried very hard to be right."

There's no master list of the American population from which researcher can easily sample. So Kinsey devised an elaborate system for identifying as many social groups and settings as possible, which he would then visit to solicit interviews. Alert to the danger that his sample would be skewed if the most sexually experienced people were the most loquacious, he made a point of gathering "100 percent" samples—in other words, hectoring all present at a given location to contribute so that he could have a complete portrait of the sex life of a sorority, a garden club, a gay bar, or a church congregation. He visited all 48 states, though, for practical reasons, the largest percentage of respondents came from the Midwest, especially Indiana and its bordering states. He didn't obtain a statistically representative sample, but not for lack of trying.

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Conservatives complain that Kinsey's interviews included prisoners and gay-bar swingers in New York, who gave stories from America's wilder side. That's true, but those interviews comprise a minute fraction of the overall sample. In fact, one of his research assistants, Paul Gerhard, subsequently removed the prison samples and reanalyzed the data, finding little difference in the overall results. On the other hand, just under half of Kinsey's male interviewees were white-collar workers, which he overrepresented as a percent of the population in the late 1940s. He similarly over-sampled college and graduate-school diploma holders. If anything, Kinsey's overall sample was flawed, less by the inclusion of inmates or swingers, than by the inclusion of too many people with higher education.

Those who imagine Kinsey's subjects were primarily picked up at New York's Automat on 42nd Street, a gay prostitute's hangout, charge that in addition to scraping the bottom of the barrel, Kinsey found people inclined to lie to make their stories even more titillating. As with all interview-based research, it's a valid concern that people may be tempted to exaggerate or deny, especially when the question is how often they sleep with prostitutes or the length of their penis. It would be unfounded to say that no one lied to the good doctor. But we do know from Kinsey's sample that he spoke with far more people whose social backgrounds would incline them to deny incidents of sodomy or extramarital affairs, for example, than to exaggerate them. Moreover, Kinsey took active measures to minimize fabrications. Long before subject review boards, he pioneered the idea of subject anonymity to minimize the incentive to fudge the truth, and he repeated questions to check for consistency. In a few cases, he brought back subjects to retell their sexual histories after several years in order to confirm that he was given the same story.

Like a census taken in a given year, Kinsey's interviews represent a snapshot of some portion of America at a given point in time. There's no perfectly analogous data to compare it to. Kinsey recorded that 6 percent of women and 21 percent of men had sex by age 16; in 1995, a study by the Alan Guttmacher Institute found that 39 percent of men and 45 percent weren't virgins at 16. It's no surprise that the figures from 40 years later are significantly different. University of Chicago's Lautmann thinks, for example, that Kinsey's numbers on premarital sex were indeed too high, in part because he over-sampled college and graduate students who postponed marriage longer than the rest of the population. On the other hand, Kinsey approximated the number of exclusively homosexual males at 4 percent of the population. "In fact it's about 3 percent, so that ain't bad," says Lautmann.

Granting the flaws in his sampling techniques, symptoms of the social science at the time rather than of any secret agenda, the broad conclusions Kinsey drew from his data have held up—and it's those conclusions that ultimately changed the way a nation talked about sex and subsequently kicked the long arm of the law out of the American bedroom: Homosexuality, premarital sex, and extramarital sex were all more common than previously acknowledged. His sociological observations have also endured. Men and women have different sexual learning curves. Members of different economic classes approach sex differently. Masturbation is almost universal among unmarried men. Abstaining is easy for some, much harder for others.

Dr. Strangelove's legacy

In the same year that Kinsey published his volume, the nation's premiere political pollster, George Gallup, predicted that Dewey would win the presidential election. Heeding his forecast, the *Chicago Daily Tribune* churned out newspapers with the now-famous headline, "Dewey Defeats Truman." Gallup's polls had led him astray because, among other things, he had failed to include people who did not own telephones—a significant social indicator at the time—and therefore couldn't answer his calls.

Given the time and context of Kinsey's work, it's a tribute to his ability to recognize and wrestle with scientific obstacles that the trends he recorded were within the ballpark; it's remarkable that inferences drawn from them stand up today.

No one trashed Gallup's legacy for the Dewey mishap. Instead, his name is synonymous with one of today's most prestigious polling firms. Modern pollsters have improved upon his methodology and moved the discipline forward. No one has impugned his motives or his character in order to discredit the modern incarnation of political polling. But when there's sex, there's fire—and for 50 years, Kinsey has been burned at the stake.

Conservatives are inclined to think that science is so much hooey when it's produced by researchers with liberal motivations. Now that Kinsey has been exposed as a bit of a libertine beneath his lab coat, and that view has been popularized by a film and a novel—both written by Kinsey admirers to boot—conservatives may think they have the perfect fodder to debunk Kinsey's work and legacy. But Kinsey's sex life doesn't discredit his research any more than Watson and Crick's ambition undermines the discovery of the double helix. It doesn't undercut modern studies of human sexuality, which continually improve upon Kinsey's sampling techniques and methodology. And it won't change the minds of the majority of Americans who now agree with Kinsey's most profound observation: "There is no American pattern of sexual behavior, but scores of patterns."

Given that his legacy for changing a nation's conversation and penal codes is firmly in tact, conservatives are left to pick apart his biography: "[Kinsey] was probably a pedophile himself," CWA's Bob Knight told me, "although there's no solid proof, as of yet, that he molested children, and he may have died from a bizarre incident of masturbation in which he damaged his genitals." Talk about weird science. ◆

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Deferred Sentence

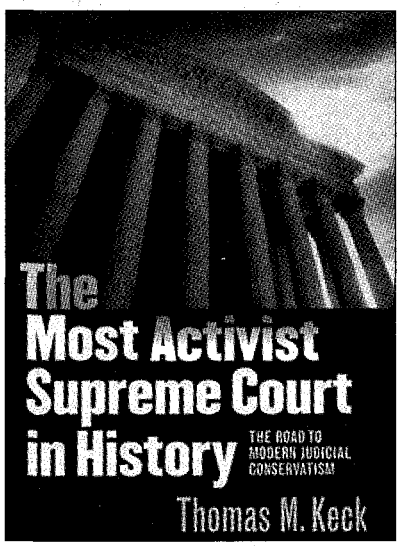
Why the Rehnquist Court has done so little damage, so far.

By Stephen Pomper

Now, with the ailing William Rehnquist entering his 18th year as chief justice of the U.S. Supreme Court, liberals find themselves facing an unexpected truth about his legacy: It hasn't been that bad.

To the surprise of the legal left, the Rehnquist Court has refused to overturn *Roe v. Wade* and has broken new ground in protecting the civil rights of homosexuals. It has endorsed some forms of affirmative action. In last Spring's highly charged enemy detainee cases, it refused to write the executive branch a blank check for wartime detention powers. And even in its hypertechnical (and therefore less controversial) federalism cases, which concern the powers of Congress over the states, the Court has feasted less aggressively on Congress' legislative authority than might have been anticipated, contenting itself to snack on bits and pieces. In retrospect, liberal anxieties (including my own—see "The Gipper's Constitution," December 1999) about how far this Court would go in implementing the Reagan revolution are looking somewhat misplaced if not, on occasion, hysterical.

So how did the Court arrive at such a sane and centrist position? In



The Most Activist Supreme Court in History: The Road to Modern Judicial Conservatism
By Thomas M. Keck
University of Chicago Press, $24.00

The Most Activist Supreme Court in History (a title that could earn the Coulter Citation for Rhetorical Subtlety), political scientist Thomas Keck gives credit to a practice that has long been the rhetorical whipping boy of the legal right: judicial activism. And, in particular, he credits the bipartisan activism practiced by the Court's powerful swing justice, Sandra Day O'Connor.

To find Keck's analysis useful, you don't have to accept his conclusion that the Rehnquist Court is in fact the *most* activist Court in history. You do, however, have to accept some of his premises about what makes for an "activist" Court. Keck sees Supreme Court activism as having three separate prongs, linked by a fundamental disdain for Congress. The first is a tendency to invalidate statutes in impressive numbers, disregarding Justice Oliver Wendell Holmes's admonition that nonelected judges should give great deference to democratically elected legislatures. The second is the extent to which the Court asserts its supremacy by declaring that it alone may interpret the Constitution—even where the Constitution appears to give other branches of government the right to share this authority. And the third indicator, argues Keck, is the willingness to wander into so-called "political thickets"—messy cases with no clear right answer and big-time political implications.

Does Keck fully make the case that the Rehnquist Court (which invalidated a record 33 federal statutes on constitutional grounds in eight years, made soaring pronouncements about the supremacy of its constitutional views over Congress', and wandered into the mother of all political thickets in *Bush v. Gore*) is more activist than the Warren Court (which invalidated far more state and local laws, handed down the catalytic *Brown v. Board of Education* decision, and steered somewhat irre-

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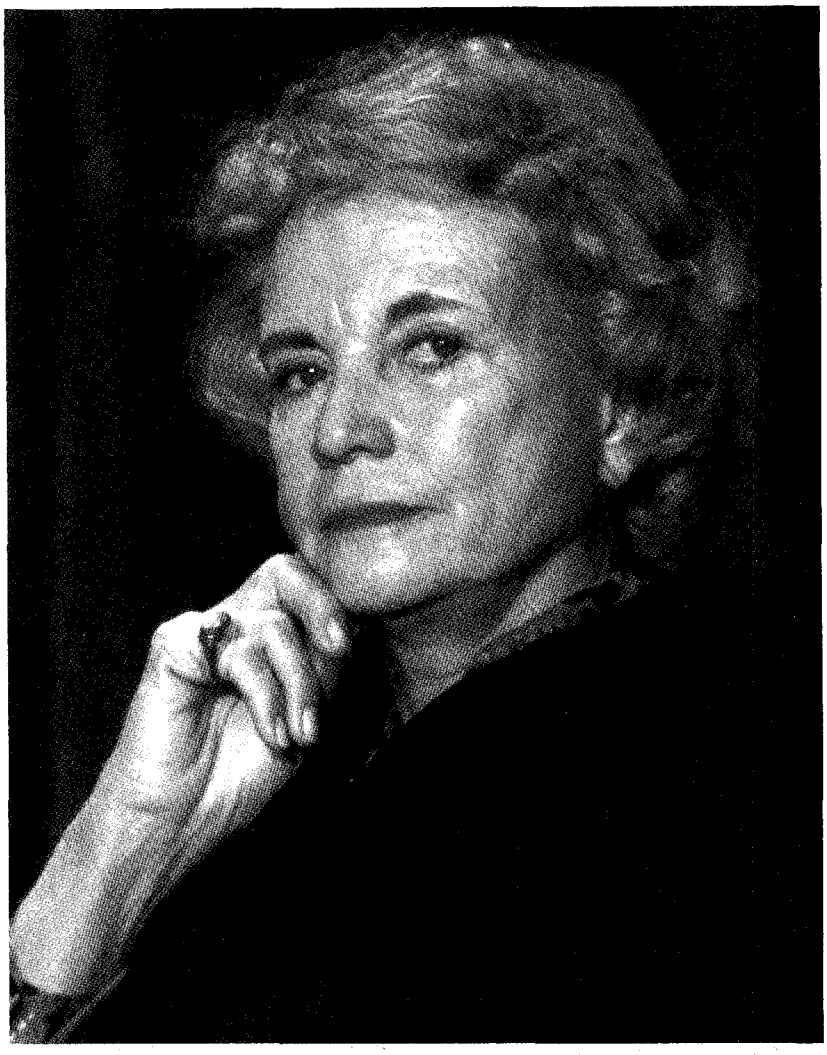
sponsibly toward a constitutional guarantee of economic equality)? Not really, but it doesn't matter. Even if you think the Warren Court should win top activist billing for the breadth and impact of its decisions, the Rehnquist Court's voluminous, if tempered, record gives Keck more than enough material to chew on.

It also raises the question: How can conservatives possibly square the Rehnquist Court's activist legacy with their own anti-activist rhetoric? Well, it turns out there's a trick: There are actually two different kinds of activism—conservative and liberal—and conservatives don't count decisions within their own tradition as, well, activism. In teasing this out, Keck explains that the two activist traditions have very different objectives. Conservative activists want to achieve limited government—particularly at the federal level—and tend to get there by arguing that Congress is interfering with economic or states' rights. By contrast, liberal activists want to protect the core freedoms that allow vulnerable minorities to participate in the political process. They give extra scrutiny to laws that affect those minorities, and invalidate those that they judge to put politically tinged freedoms at risk. The heyday of conservative activism was the early New Deal era, when the Court struck down one after another of FDR's legislative initiatives; Roosevelt put an end to that by threatening to pack the Court. The heyday of liberal activism was the Warren Court era of the '50s and '60s and the early Burger Court period of the '70s, which has left a legacy (including *Roe v. Wade*) that rankles conservatives to this day.

As to how conservatives have developed a guilt-free approach to their own brand of activism, the key to understanding this is the doctrine of originalism. The idea behind originalism is that the Court can tear a mighty swathe through acts of Congress without really engaging in activism if it is channeling the original intent of the Framers. This sounds like a wonderfully hoary and straight-shooting concept but Keck shows that it's something short of that. In fact, the seeds of modern orginalism were planted by Justice Black in the 1940s for liberal activist purposes; he was trying to develop a basis for expanding the Court's enforcement of the Bill of Rights against state governments. Black sparred with Felix Frankfurter (a champion of judicial restraint) in an effort to make originalism respectable, but this goal was not fully achieved—at least during Black's tenure. It did not help Black's case that his historical work concerning the incorporation of the Bill of Rights against the states was shot full of holes in the academic press. This helped support the critical impression that originalism is a highly corruptible doctrine prone to what constitutional scholar Alfred H. Kelly has referred to as "law office history"—that is, reverse-engineered speculation about the past generated by bright young law clerks who know what their bosses want to hear. You can argue the merits and demerits of originalism until you are blue in the face, but on the question of whether originalism somehow transforms conservative activism into something else, Keck is very persuasive: The doctrine does not have a privileged claim on interpreting the Constitution, and when the Court invalidates a congressional statute it is in activist mode—even if the Justices are certain that the Framers themselves (whether through the *Federalist Papers* or by means of Vulcan mindmeld) are commanding them to throw Congress' work on the compost pile.

So where do the two activist traditions leave us with respect to the Rehnquist Court? Not, it turns out, where the left-leaning bar once feared. Liberals feared that the hardcore con-



The Supreme Court's swing voter.

Getty Images

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servative activists on the court (Scalia, Thomas, and Rehnquist) would lead the moderate center (O'Connor and Kennedy) into a furious bloodletting against the hallmark legislation of the New Deal and Civil Rights eras, as well as against seminal Warren Court and post-Warren Court decisions (like *Roe v. Wade*), all in the name of limited government and originalism. It hasn't happened. Instead, as Keck points out, the moderates, and particularly O'Connor, have set the tone by zigzagging between liberal activist decisions that prop up (and, in the case of gay rights, expand) the minority-oriented protections of the Warren Court and conservative activist decisions that trim back the authority of Congress over state governments in a hodgepodge of areas ranging from patent enforcement to age discrimination. In staking out this terrain, Justice O'Connor has frequently sought to limit the sweep of her opinions, preserving for the Court the option to rethink itself when faced with slightly different facts.

Keck's book is not an easy read—it could use a bit more narrative oomph to propel the reader through 300 pages of legal analysis—but it does an excellent job of giving Justice O'Connor her due. In particular, Keck convincingly defends O'Connor against the criticism (which has come from both the left and the right) that her bipartisan activism and her one-off opinions have created an *ad hoc* jurisprudence that gives too little guidance about where the law has crystallized, and too little direction about where it is headed. While Keck acknowledges that this approach has its imperfections, he also makes clear that these may be a small price to pay for what O'Connor has achieved. Although the Rehnquist Court may be among the most activist in history, its tendencies have been guided by O'Connor's fairly delicate and even-handed scalpel. Given the powerful tradition of conservative activism that Keck describes, the alternative might well have been—and could well still be—something more like a chainsaw.

Stephen Pomper is a contributing editor of *The Washington Monthly.*

Friend & Foe

Dick Morris's unreliable, intoxicating tale of Clinton.

By Margaret Sullivan

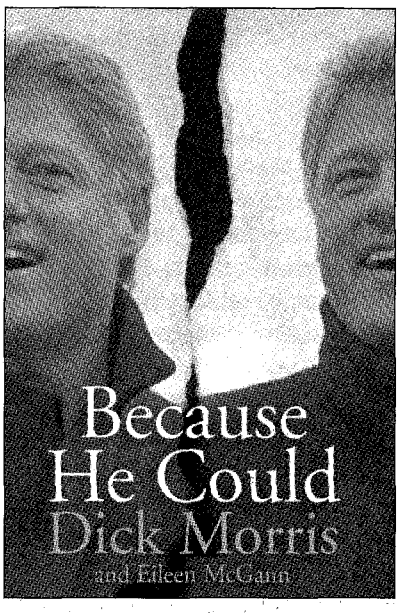
Bill Clinton, so the story goes, once almost punched Dick Morris in the nose. But, at the last second, Hillary restrained her husband's cocked-back arm. The blow never landed.

These days, Clinton must wish he had knocked Morris off his feet when he had the chance.

Morris, once the former president's closest confidant and advisor, his poll-wielding Svengali, and now a FOX News commentator and *New York Post* columnist, is keeping busy of late with his own cottage industry: Clinton-trashing. In a matched pair of books, Morris (writing with his wife Eileen McGann) delivers a one-two punch of his own at each of the recent Clinton autobiographies. First, last May, came his *Rewriting History*, which took on Hillary's *Living History*.

Now *Because He Could*—a response to Clinton's huge, and hugely successful, autobiography, *My Life*—arrives on the scene, trailing noxious fumes of ingratitude and score-settling, which the author attempts to cover up with the righteous perfume of providing historical accuracy. *Because He Could* is essentially a long, cranky review of *My Life*, in which Morris deconstructs, denies, and disses much of what Clinton wrote, setting forth his own version of the truth. (Here's a Zen koan to ponder: How overwritten must a presidential autobiography be to deserve a 300-page rebuttal?)

Morris's book portrays Clinton as a weak-willed, amoral, and visionless wanderer, saved—in a limited way—only by his vaunted empathy and communication skills, coupled with his head for wonkish policy detail. According to



Because He Could
By Dick Morris
and Eileen McGann

Regan Books, $29.95

Morris, it was only his own wise counsel that made Clinton the success he was. Without him, Morris writes, Clinton was too focused on minutiae to see broad patterns or form sweeping strategies:

"It was as if I were staring up at the stars with Clinton, trying to get him to pick out the constellation Orion among the many glittering stars. 'Over there,' I'd point. 'You see the three stars. That's his belt.'" But Clinton, Morris reports, could never see it. Morris sees Clinton's autobiography as a metaphor for his personality—ambitious, but undisciplined and chaotic. He writes: "Clinton's *My Life*, like his political life, has no organizational motif beyond simple chronology. It is, simply, one darn thing after another."

The book's title, of course, is a refer-

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Dick Morris hopes to ride the rising tide of books on Clinton's legacy .

ence to Clinton's reply to Dan Rather that he had his affair with Monica Lewinsky "because I could." Morris, in high dudgeon, calls this the "ultimate statement of unbridled power." His attitude was not always thus. For perspective, let's go back a few years, to 1996, just before Morris's spectacular fall from grace—the result of reportedly allowing his pricey call girl at the Jefferson Hotel (yes, the one with the delectable toes) to do things like listen in on a phone conversation with the president. Back then, Morris described to *Time* magazine his profound respect and affection for Bill Clinton: "It's very important for me to convey how deeply I care about this man, what an inspiration, even a guide, he's been. He is the essence of my career." Well, that last part still seems true. What is Morris's claim to fame, after all, if not as Clinton's former guru?

Although he insists that he is correcting the Clinton record for lofty historical purposes, Morris comes off not so much as the conscientious scholar but rather as the royal butler who, dismissed from the palace staff, can't wait to tell all about His Majesty's nasty habits. But there's a catch: Morris is much smarter than your average butler. He has almost Rovian political instincts, and formidable powers of observation and analysis. That's what makes *Because He Could* a fascinating—if not particularly likeable—addition to the ever-burgeoning Clinton bookshelf. Morris is not only perceptive and knowing about his former boss, but his book is packed with the sort of juicy insider stuff that will feed the apparently insatiable appetites of Clinton-philes and Clinton-phobes alike. Whether to believe him is another question entirely. Morris had unparalleled access to the president—but he also seems to have a hefty axe to grind.

Among the most memorable offerings of *Because He Could*:

On Clinton's anger: "His is a primitive anger, manifested by red-faced screaming, a wildly pointing accusatory finger, and utterly self-righteous tirades. For those on the receiving end, it is a frightening and unforgettable encounter. For Bill Clinton himself, it is an exhausting and demeaning experience, usually followed by waves of guilt and, occasionally, a perfunctory apology."

How Clinton used public opinion polls to form the State of the Union address: "Clinton writes that he used the address each year 'as an organizing tool' to stimulate the cabinet and staff to 'come up with new policy ideas.' But he does not mention that it was, in its essence and specifics, a speech written by polls. Months before the address, we would canvass the administration...for ideas. Then we would take the mother of all polls, testing each idea to determine its political appeal."

On Clinton and the draft, as portrayed in his book: "Nowhere is the disjuncture between *My Life* and real life more pronounced than in his account of the draft story.... Like most of Clinton's important life experiences, his actual draft history was complicated, convoluted, calculated, and cover. Only in his retelling has it come to seem incredibly simple—simple and incomplete; simple and inaccurate."

On how Bill never blames Hillary: "I never really understood why he wasn't more angry with her. Every one of the nonsexual scandals that bedeviled his presidency was her fault."

Dick Morris adds this observation about Bill Clinton's relationship with his wife, which he describes as fearful and fawning: "Bill may not always have been faithful, but he sure is loyal." Clinton may indeed be flawed on that particular virtue meter, but Morris is worse: 0 for 2. Still, his book will be much read, and gossiped about, and absorbed into the Clinton mythology. While it's hard to admire the cravenly appropriate reasons *Because He Could* was written, it's harder still not to devour it in one hungry gulp—always aware that indigestion may follow.

Margaret Sullivan is editor in chief of *The Buffalo News*.

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Old Friends

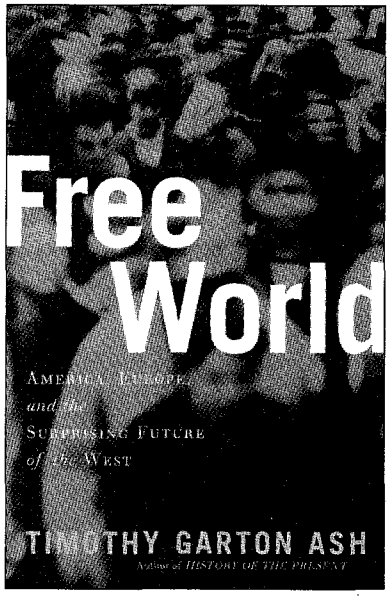
How dramatic is the rift between Europe and America?

By Martin Walker

The metaphor that portrays hyperpower America as a modern version of the Roman Empire has become exhausted through overuse. And it was always a stretch to cast a republic with an elected and temporary chief magistrate and a traditional distaste for direct rule over foreigners as heir to the imperial purple of the Caesars. But there are other classical models to guide our thinking about the current nature—and the frustrations—of America's overwhelming raw power. Ancient Athens would seem the most congenial, as a freethinking and free-trading democracy of extraordinary cultural vigor and depth, while the official duty-honor-country virtues of warrior Sparta find a distinct resonance in the martial wing of the American character.

The Athenian inspiration can, however, be deceptive. Timothy Garton Ash, in *Free World: America, Europe and the Surprising Future of the West*, an idiosyncratic exploration of where the world is going wrong and how to fix it, quotes the celebrated Melian dialogue from *The History of the Peloponnesian War* by Thucydides. Mighty Athens, scorning to issue any plausible justification for their assault on little Melia, says bluntly: "You know, and we know, as practical men, that the question of justice arises only between parties equal in strength, and the strong do what they can, and the weak submit."

The Melians reply in tones that find their echo in the case against the Iraq War made at the U.N. Security Council by French and German diplomats. "As you ignore justice and have made self-interest the basis of discussion, we must take the same ground, and we say



Free World: America, Europe and the Surprising Future of the West
By Timothy Garton Ash
Random House, $24.95

that in our opinion it is in your interest to maintain a principle which is for the good of all—that anyone in danger should have just and equitable treatment and any advantage, even if not strictly his due, which he can secure by persuasion."

Garton Ash comes to this point, which questions the way the United States wants to relate to its friends and foes in this doubtless finite period of American ascendancy, at the end of a wide-ranging but essentially schizoid book. The first 170 pages analyze what he calls "The Crisis of the West," the erosion of that free world alliance that prevailed in the Cold War and has spread peace, democracy, and prosperity throughout most of the rich white world. This is a tour de force. It contains a pungent although hardly original assessment of the potential and limits of American power, noting, "How long can a country with a $500 billion budget deficit and a trade deficit of about the same size, sustain a $400 billion annual defense budget and meet a growing demand for social spending?"

He also considers the constraints upon European ambition. The argument in Europe, he suggests, will be about how to respond to America, with a choice between a new form of Gaullism that seeks to build an independent European superpower and a renewed effort to restore a modified form of the traditional Cold War Atlanticism. The argument in the United States, he writes, will be about America's own role in the world; to simplify, "it is the debate between multilateralism and unilateralism."

That argument will unfold, Garton Ash maintains, in the light of "[t]he American creed," which "has two gods; one is called Freedom, the other is called God. In the scattershot of early 21st-century capitalist democracies, religion is more than ever at the heart of American exceptionalism. America's muscular Christianity feeds into a moralistic rhetoric of freedom which many Europeans dismiss as humbug." Indeed, Garton Ash goes on to say that modern Germans believe that today's imperial Americans "say Democracy and mean Oil." Ash suggests that such European mockery is misplaced, that President Bush "clearly saw the war on terror as part of a Christian's good fight against evil" and that Europeans are mistaken to assume that America's rhetoric of freedom merely cloaks self-interest and greed.

Garton Ash also has limited respect for Europe's delusion that it is finally fulfilling Immanuel Kant's dream of a zone of perpetual peace, where reason and a sense of the common good hold sway among civilized nations who have grown out of war. He does not quite say, as this reviewer maintains, that Europe has known peace since 1945 only because with American troops at one end and Soviet troops at the other, the warlike tribes of the old continent finally had some adult supervision. And he understands that 50 years of NATO and American taxpayers bought Europe's

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peace and much of its prosperity.

Garton Ash takes an even sharper look at British pretensions to be a pivotal power, the hinge on which the future of the Atlantic alliance may turn. Since he is on occasion consulted by Tony Blair, who talks of Britain as the "bridge" across the Atlantic, Garton Ash's doubts are interesting. He suggests that the problem is not Blair's personal diplomacy and the anguish over the Iraq war, but that a Britain still divided over its membership in the European Union does not have "a minimal consensus about what it is and where it would like to be." He may be wrong here; in my view, Britain sensibly wants to go on having it both ways as long as it can, to be reasonably engaged in Europe while remaining America's best friend, just in case. The trouble will really come if the trans-Atlantic divisions grow so wide that Britain is forced to choose between them, which is why any British prime minister (not just Blair and Thatcher) will strain every nerve—and commit lots of available troops—to prevent the breach from becoming that serious. And Britain these days is not the enfeebled old has-been of the 1970s, but a very serious player.

Garton Ash does not cite, although it might have been useful to his argument, Goldman Sachs' recent prediction that the G-7 summit of the major industrial nations in the year 2050 will include only Britain among the European powers. Having soared past Italy and France, Britain's vigorous post-Thatcher economy is now closing in on sluggish Germany; British GDP per capita is already notably higher than Germany's. For Garton Ash, Britain is torn four ways, between its European vocation and its American alliance, and between its traditional complacent insularity and its increasingly cosmopolitan and multi-ethnic character. Whereas Germany was the divided nation of the Cold War, Britain is now the divided country of this post-Cold War era of the Crisis of the West, "the seismograph on whose trembling needle you measure the improvement or deterioration of relations between Europe and America."

On Europe, Garton Ash concludes that the great divisions over Iraq, between America's supporters led by Britain and its critics led by France and Germany, are far more profound and important than any passing diplomatic spat. "The whole of the new, enlarged Europe is engaged in a great argument between the forces of Euro-Gaullism and Euro-Atlanticism. This is the argument of the decade. On its outcome will depend the future of the West." It is little use mouthing the old platitudes about common democratic values, he says, arguing that Europeans and Americans diverge ever more sharply in their attitudes to religion, to the role of the state, to the environment, to the use of force, to gun ownership, and to capital punishment. He has a point, except that opinion polls in Britain and France make it clear that the public would bring back the rope and the guillotine overnight if the political elites would give them the chance to vote on the matter.

But Garton Ash rejects the arguments of Jacques Derrida and Jurgen Habermas, two of the most eminent European philosophers, who saw in these divergent values the emergence of a specifically European identity, rooted in antipathy to America. This, for Garton Ash, would be self-deluding folly, not because the values are diverging, but because such a new Europe would be doomed to failure since so many European states would refuse to proceed on such a basis.

On America, Garton Ash cites an interview with President Bush, on the eve of his visit to Europe in June of 2001, in which Bush posed a question no previous incumbent of the White House would have asked: "Do we want the European Union to succeed?" Bush quickly pulled the punch, saying, "That was a provocation." But his administration has acted both before and after 9/11 as if the question remains very much open, and understandably so, given the neo-Gaullist rhetoric from Paris on the need to build Europe as a "counterweight" to American hyperpower. Garton Ash, who believes firmly in European integration and in full British commitment to the venture, may not appreciate the degree to which members of the Bush team have already begun to dismiss the issue as a second-order question, if not altogether irrelevant.

Senior aides in the National Security Council know Europe's gloomy demographic projections by heart. One recently pointed out to this reviewer that while Europe commanded 24 percent of global GDP in 1990, its share has now dropped to 18 percent. And unless Europeans start breeding again soon, they will be struggling to maintain 10 percent by 2050. The Bush team sees Europe playing no serious role in the big U.S. foreign policy of the 21st century—the struggle for mastery in Asia (India and Japan are far more important in this context)—and fears that Europe, with its fast-growing Muslim population, is likely to play a spoiling role in the other grand challenge of the Middle East.

Even if all that comes true, despite the reforms of the welfare state and job markets now under way in France and Germany, Europe will remain rich, technologically advanced, and able to use its economic weight for many years to come. E.U. regulators use their market power to tame American giants like Microsoft and GE, Airbus builds more popular passenger jets than Boeing, and Europeans still occupy key seats at all the global institutions that matter, from the U.N. Security Council and G-8 to NATO, from the IMF to the World Bank. The dollar is sinking steadily against the euro. Even the most contemptuous neocon has to recognize that Europeans still wield real assets and include some of the few allies that Washington can rely on. A thoughtful American administration would appreciate that potential support, at a time when America's moment of undisputed mastery seems to have passed its peak. The world would appear to be heading, over the next few decades, into a globalized version of the 19th century European balance of power, in which China, Europe, Japan, and perhaps India and Russia all play the game of nations while the United States gauges if it can afford to reenact the British Empire's role as the great

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oceanic power. In such a world, even if it overcomes the fiscal challenges of its deficits and pension obligations, America will need friends.

Gutting the state

Garton Ash does not spend much time exploring possible future scenarios because he puts forward his own. The book's final 55 pages convey his oddly disappointing recommendations for what we should do to resolve the current discontents. The disappointment lies in their very banality after the acute and pointed excellence of the long preceding analysis. It may be summed up in Garton Ash's anguished phrase, "Can Europe and America be more sensible?" Can they realize that there is really very little in their interests that should divide them, and that they should strive to work together to reinvigorate the Cold War alliance of the free world? The role of the old Soviet Union as the glue to hold the West together should be replaced, Garton Ash argues, by common ventures to end poverty, to fight terrorism, to modernize the Arab world, to tackle global warming and so on. "None of these challenges can be met if Europeans, Americans and other free people work against each other," he concludes. Quite right, but that is not how the world seems to work these days. The question is whether this is a temporary crisis that has been brought on by the Bush administration and its macho strutting, or whether there are vast impersonal forces driving Europeans and Americans apart against which the most well-meaning statesman will strive in vain.

Garton Ash does not quite say that all can be put right by the emollient diplomacy of a future Democratic president, or by an internationalist Republican like Bush the Elder. He thinks the issue is simply too important to be left to the politicians, and it is time for the people to take a hand. The trans-Atlantic crisis can be resolved, he argues in a final section of the book that reads like a call to arms, if a critical mass of thoughtful people work and campaign together and organize themselves. "If we raise our voices, these walls will come down. We are many and we have not spoken yet. It is up to us."

Beyond this rather touching idealism, two important flaws are manifest in Garton Ash's argument. The first is his claim that "[i]t is impossible, on a sober analysis, to discern any major differences of long-term interest between Europe, America and the other rich and free countries of the West." There is one important way in which this may not be true: The United States represents a fundamental assault upon the European social contract, its socioeconomic and state system.

The European social model is a wonderful thing. It allows people to retire at the age of 60 (earlier for many public employees) on inflation-proof pensions linked to their final salary. It makes it very difficult for workers to be fired and gives them generous and long-lasting unemployment pay when they are out of work or sick. It guarantees good health care for all, education that is free or massively subsidized up to university level, and four to six weeks paid holiday a year. In return for these benefits, the public pays half or more of its income in taxes and social security contributions. Europeans accept, as a matter of course, that the state will take and spend something between 40 to 60 percent of a society's GDP. This means that a government minister or senior official is part of an administrative class that governs the lion's share of the national economy. The power of the purse rests with the state and its employees—who thus enjoy the governance of vast bureaucratic empires, great patronage, and wide swathes of the lives of their fellow citizens.

By contrast, the United States federal government raises in taxes some 18 percent of American GDP (although thanks to the deficits, it spends rather more). So the American functionary has but a fraction of the power, patronage, and prestige available to his counterparts in Europe. There is, accordingly, no such thing as an American social model. There is, however, a new kind of globalized economic system marching through events. Over the past 10 to 15 years, the United States has pioneered—and countries like China, India, South Korea, and Taiwan have quickly adapted and started to develop—state systems that are far more growth-oriented than the old European social model. This new economy is defined by a number of qualities, including intense global competition and a relentless drive for more productivity. Its champions, like the Bush administration, insist that the new reality requires high returns for shareholders and managers along with lower corporate and income taxes. They also demand ever less job security for the workforce and a steady erosion of labor-union membership and influence as the massive factory workforce of the industrial era gives way to the dispersed workplaces and smaller and more varied staffs of the service and information economy.

The new economy reflects a world in which the balance of power between labor and capital has shifted markedly in favor of management, employers, and indeed consumers. But power has certainly moved away from the traditional (and shrinking) industrial working class. And it is a world of few tariffs, and little protection against the competition from low-tax, low-wage, and high-productivity rivals. This new economic system is deeply unfriendly to the European social model, which may not be able to survive its coming. In short, this new economy that the United States has pioneered is a mortal threat to the comfortable and civilized ways of old Europe and to its protected and pampered workforce. More than that, this new economy is a direct threat to the European state system, to its giant civil-service structures spending such high proportions of GDP. Those bureaucratic empires, those vast swathes of Europe's national economies that are subject to official pressure and regulations, are so many dinosaurs in this new age, only just becoming aware that the meteorite has already hit, and they are doomed.

So look deeper than the NATO splits over Iraq, the transatlantic rows over global warming, or the European opinion polls displaying a fastidious distaste for the "Toxic Texan" in the White

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House. Europeans have a more profound reason to dislike everything Bush stands for; he and the new economy America has pioneered is a direct threat to the European social model, to its way of life, and to the socio-economic structure of the European state. Doubtless they can survive for some time yet with modest reforms and judicious protection, so long as their voters are prepared to tolerate low growth and unemployment at 10 percent (and much higher for the young). But there is a limit to how long the welfare and pension systems can be afforded, even as the state's share of GDP climbs over 50 and 60 percent. And that limit is coming fast; witness the recent statement by Volkswagen that it will have to either cut its German wage bill by 30 percent over the next seven years or lay off 30,000 German workers. The I G Metall labor union responded that it would never accept "this importation of American turbo-capitalism."

The final flaw in Garton Ash's argument takes us back to Thucydides and the Melian dialogue. Great powers have traditionally acted the way they do partly because they can, thanks to their military and economic might, and partly because they feel that they must or risk an erosion of their defining status. The world in which Garton Ash and the rest of us all grew up was based on an aberration, in which the American great power of 1945 acted in another way altogether, with far-sighted altruism and "a decent respect for the opinions of mankind," to build the alliances and institutions that did not just defend the West, but also enriched and improved it. It may not be too much to ask that the United States, informed by that essentially decent American creed that Garton Ash identified, behave in that wise way yet again. But it was certainly too much to ask of ancient Athens, whose troops put Melia to the sword. The one ray of hope is that if any superpower can rise to the occasion, it will be this one. As Winston Churchill once noted, "You can always rely on the United States to do the right thing. Once it has exhausted the alternatives."

Martin Walker is the editor of United Press International.

Ground Up

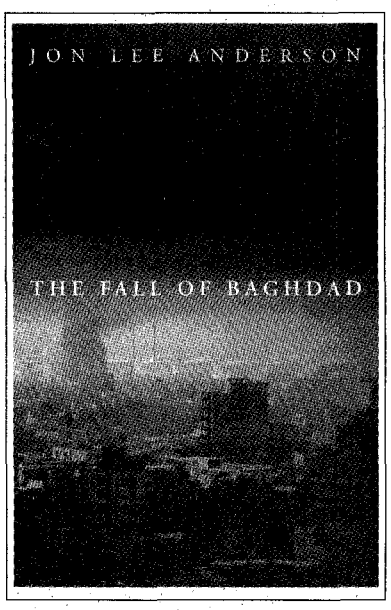
John Lee Anderson avoided hanging out with U.S. troops—and wrote the best book on the Iraq war.

By Matthew Harwood

To *New Yorker* writer Jon Lee Anderson, Ala Bashir didn't look like a confidant of Saddam Hussein. The London-educated physician seemed more like a Western university professor with his longish hair and corduroy suit, eschewing the bristling mustache look popular in the inner circle of the Iraqi dictator. Anderson first met Bashir in August 2000, after hearing him described as the most erudite man in Iraq, a fine artist as well as one of Saddam's personal doctors. Anderson and Bashir became fast friends, and the Iraqi's experience becomes the lens through which Anderson tells of the Iraq war in his new book, *The Fall of Baghdad.*

Most of the first wave of Iraq war books by journalists were written from the perspective of the U.S. troops with whom the reporters were embedded. In this book, expanded from his extraordinary "Letters from Baghdad" dispatches for the *New Yorker*, Anderson tries something different. His eyewitness narrative follows a handful of Iraqis as the tense social peace of Saddam's dictatorship gives way to the "Shock and Awe" bombing of Baghdad, Saddam's fall, and Iraq's descent into the current mire of crime and insurgency.

The most interesting and prescient of these Iraqis is Bashir. Humanistic, refined, and a secular Shiite, Bashir represents the antithesis of everything you would expect in a close associate of Hussein. It was Bashir's artistic talent that drew Hussein to him, an attraction that may well have been rooted in Hussein's own literary dreams. (Saddam fancied himself a writer, having penned at least three romance novels.)



The Fall of Baghdad
By Jon Lee Anderson
The Penguin Press, $24.95

Bashir's motives are less clear. Although he laments his relationship with Saddam—"The most bitter experience for a free man is to make a friendship with someone he doesn't like"—but Anderson discovers Bashir took pride in Saddam's lavish praise of him and his art. Anderson, believes that Bashir and Saddam held each other in mutual thrall, Saddam drawn to Bashir's artistic vision and Bashir to Saddam's ruthless use of power.

Impressed by Bashir's work, Saddam had the doctor create great sculptures glorifying his rule. Bashir responded by creating horrific surrealist monuments that were abstract criticisms of Saddam's reign (and Bashir's own private rebellion). The most mem-

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Looting in Baghdad, April 2003.

Getty Images

orable of these is the Epic of Saddam, in which an enormous soldier's fist stabs the eye of a hideous dragon with a lance, with all parts seeming to be part of one body. Anderson describes the sculpture as "stupefyingly grotesque," one which "no one could view...without a feeling of horror...It demonstrated the utter totality of [Saddam's] power and conjoined him symbolically with the entire sweep of Mesopotamian history."

While Bashir held Saddam in contempt, he also believed (as many do in Iraq and elsewhere) that only the iron fist of a dictator could contain the ancient ethnic and religious hatreds within Iraq's borders. Without Saddam's heavy hand, Bashir argued to Anderson, the region would either descend into civil war or become another theocracy like Iran. In the past, U.S. leaders had shared this view, which is why the first President Bush didn't send American troops into Baghdad during the first Gulf War. Much like Bashir, the United States preferred to deal with the devil they knew, rather than hope a pro-Western leader would emerge from the internecine warfare that would likely engulf Iraq if Saddam was overthrown.

As the American invasion approached, it became harder and harder for Anderson to maintain contact with Bashir. Deprived of the story's most dynamic and interesting character, Anderson's narrative shifts and begins to focus on the Western reporters, himself included, as they run around in a desperate, and sometimes comical, effort to prepare for the attack or leave Iraq before it begins. Anderson describes the exorbitant fees journalists had to pay for rides to the Jordanian border, the bribes paid to Information Ministry officials for press credentials, the hassle of getting an assortment of hotel rooms in case certain hotels became targets, and the difficulty of getting meals as restaurants began to close.

Anderson decides to stay for the war despite the pleas of his editors to leave Iraq. As *New York Times* veteran Chris Hedges explained in his book, *War Is a Force that Gives Us Meaning*, war correspondents tend to become addicted to their subjects, and Anderson seems no exception. After making the decision to stay, Anderson writes he "felt a strange mixture of relief and despondency"—the allure of the war and the story having overriden his sense of self preservation.

Soon, bombs begin to fall, buildings crumble, and people die. Anderson scrambles to report the human catastrophe, detailing the chaotic scenes at Baghdad's only functional hospital. There Anderson meets a young boy mortally wounded in a U.S. rocket attack. His description of the boy's wounds is wrenching. One hand, writes Anderson, was "twisted and burned into a hideous claw," while the other limb was burned off below the elbow, two bones exposed, reminding him of "something that might be found in a barbecue pit."

The war's effect on ordinary Iraqis is the weakest link in Anderson's tale. People become one-dimensional figures caught in a maelstrom, bloodied and disoriented, screaming for loved ones while heaping scorn on the United States. Their own vision of a free Iraq is never articulated, and one can feel their fury at being made pawns of history once again.

Yet the hatred of the United States Anderson describes could easily shift to approbation. As the United States military rolls into Baghdad, Anderson happens upon the toppling of Saddam's statue in Fardous Square, the image that graced the front pages of newspapers around the world. When the crowd asks if he is American and Anderson responds yes, the crowd cheers and claps. One man yells, "America is good." But the goodwill doesn't last long.

As the occupation gradually moves in, Anderson reunites with Bashir, who had escaped Saddam's clutches and survived the bombings by hiding at his sister's house. Together again and free of Saddam, the conversation reignites and follows the trajectory of Iraq's plunge

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into anarchy.

Describing the looting epidemic, Bashir lays the blame on Iraqis, tracing the behavior back to their Bedouin ancestry where raiding one and another's camps was the mode of survival. "Every time there is a war in Iraq, and among all the Arabs, in fact, they rob and loot. This is unfortunately part of our nature." Bashir's admission of Iraqi guilt juxtaposes nicely with the dismay and anger Anderson feels as he watches American soldiers do nothing as mobs plunder Iraq's cultural wealth. This sense of shared responsibility casts a refreshing gray on top of the simplistic moral black and whites people color the war in.

Two weeks before President Bush declared the end of combat operations, Bashir had already foresees that the present disorder will give way to anarchy. He laments the Americans' inability to provide security and deal effectively with the rising Islamic fundamentalism of Moqtada al-Sadr, remembering how even Saddam Hussein had problems navigating this tortuous terrain. He knows the Americans cannot repress the different groups or they will be labeled "the same as Saddam." Bashir is left with an uncomfortable—and accurate—feeling that the United States has no postwar plan. Soon thereafter, Bashir leaves Iraq for Qatar, his life threatened by Iraqis because of his involvement with the old regime. Anderson's narrative continues, but it is cut short as Iraq eventually becomes too dangerous even for him. The book's closing paragraph reports the horrors of Abu Ghraib and the monstrous beheading of Pennsylvania contractor Nick Berg.

The Fall of Baghdad is a somber, harrowing account of war. Although Anderson doesn't break new ground, his crisp and lush prose reads more like a work of literature than like reportage. But for all its literary beauty, the book's real power lies in its narrative strategy. By focusing on the perspective of insightful Iraqis on the ground, Anderson documents that the current debacle was, tragically, foreseeable.

Matthew Harwood is an editorial fellow of *The Washington Monthly.*

Missing Children

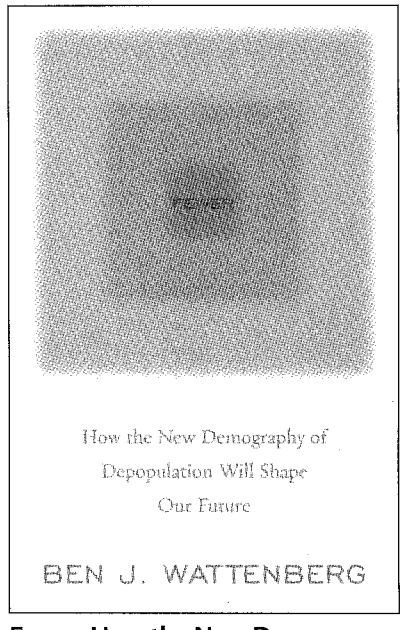
Can America duck the worldwide baby bust?

By Phillip Longman

It's happening in rich countries. It's happening in poor countries. It's happening among Christians, Hindus, and especially Muslims. It's a trend that has everything to do with sex, death, money, and power, yet rarely draws a headline. Everywhere in the world, people are having fewer and fewer children.

Most everyone knows that Europeans are fading in number. Yet the most dramatic declines in fertility are occurring just where you'd least expect them. Even under the tight grip of an Islamic theocracy, for example, Iran has seen its fertility rates plunge to level that will lead to long-term population loss. The same is true of Mexico and most of the rest of Latin America. Americans have a long history of fearing the Asian hordes, yet countries like China, Japan, and Korea now face the prospect of losing up to one third of their populations over the next generation.

All told, global fertility rates are half what they were in the early 1970s. The primary reason appears to be the rapid movement of people from farms to cities (nearly half the world's population today lives in urban areas), and the increasing social and economic opportunities available to women. Because of the large numbers of women still in childbearing age, world population will continue to grow for several decades, even as the average woman has fewer and fewer children. Yet within the lifetime of today's young adults, most demographers now believe, world population could well be falling. Long before then, the average age of the world's citizens will increase dramatically, leaving many fewer working aged people available to support each elder.



Fewer: How the New Demography of Depopulation Will Shape Our Future.
By Ben J. Wattenberg
Ivan R. Dee, Publisher, $24.95

Two recent books document these trends and explore their long-term implications. Ben J. Wattenberg, a senior fellow at the American Enterprise Institute, wrote one. I wrote the other. I suppose you can guess which book I think is more insightful.

That bias disclosed, let me hasten to say that Wattenberg and I essentially argue from the same facts. We both, for example, rely heavily on data and pro-

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Europe's getting older. Is America next?

Getty Images

jections developed by the United Nation's Population Division, which in recent years has been ratcheting down its estimates of future population. By 2300, the United Nations projects that world population could be below the level of 1960, and that the United States will shrink back to the population it had in 1950—only with a far greater share of elders. Both Wattenberg and I point out that if current trends in fertility continue, depopulation will be much more extreme. For example, this U.N. projection assumes, for no particular reason, that fertility rates in the developed world will rise substantially. It also assumes, for no particular reason, that as today's underdeveloped regions become more industrialized, they will never experience the same fall in fertility that China, South Korea, and other recently industrialized nations have experienced.

Both Wattenberg and I also agree that falling fertility rates can bring economic benefits, at least in the short term. Wattenberg notes, for example, that while Korea's birthrate was plummeting between 1965 and 1990, real per capita income growth rose by 6 percent per year. As the relative number of children declined, so did the burden of their dependency. With fewer children to look after, more women could join the paid work force, thereby boosting measured GDP.

But if falling birthrates can bring a "demographic dividend," that dividend eventually has to be repaid if the trend continues. Wattenberg is right, I think, to warn that an aging and declining population leads to economic stagnation and exploding public debt, such as we now see in the world's "oldest" nation, Japan.

On some important matters of interpretation, however, Wattenberg and I differ sharply. Perhaps most importantly, Wattenberg is a big believer in American exceptionalism. In a chapter titled "America the Exceptional: the Baby Makers," he stresses that America has the highest fertility rate of any industrialized nation. This, combined with America's high rates of immigration, leads him to see a future of increasing American dominance in world affairs. With more rapidly aging, and eventually falling populations, countries like China, Russia, France, and Germany will simply be unable to compete with the fecund United States, Wattenberg concludes.

I'm not so sanguine. The United States does have the highest fertility of any industrialized nation, but American fertility rates, which are already below replacement levels, are drifting downwards, and there is every reason to believe that they will converge before long with the low birth rates of Europe and Japan.

The last time white Americans made enough babies to replace themselves was 1970. Now the trend toward low fertility has spread to every major racial and ethnic group. Between 1990 and 2002, fertility declined by 14 percent among Mexican Americans and by 24 percent among Puerto Ricans. African Americans, according to the National Center for Health Statistics, now have a lower fertility rate than whites and are no longer producing enough children to replace their population.

The same is true of American Indians and Asian Americans. Moreover, recent immigrants are also producing fewer and fewer children. They tend to be much better educated than in the past, and to be drawn from countries that are themselves experiencing rapid plunges in fertility.

All this is good news in itself. Fertility correlates strongly with economic opportunity. The more economic opportunity you have, the more you give up if there is a baby on your hip. As more and more members of historically disadvantaged groups get a chance to finish high school or go to college, it's to be expected that their average family size would drop. But there's just one problem. As the trend unfolds, U.S. fertility rates will drop further and further below replacement levels, causing rapid population aging and eventual population decline.

Is the United States prepared to meet this challenge? In many ways, we are more vulnerable to population aging than the oldest nations of "Old Europe."

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That's primarily because of the extraordinarily high cost and inefficiency of the U.S. health-care system. For example, in the United States, health-care spending per person 65 and over is more than double what it is in Japan, and more than three times what it is in Great Britain. For all this extra spending, U.S. seniors don't enjoy any advantage in health and well-being. Indeed, at age 60, American women can look forward, on average, to 3.8 fewer years of healthy life than their counterparts in Japan, while American men at the same age share nearly the same disadvantage. Says Christopher Murray of the World Health Organization: "Basically, you die earlier and spend more time disabled if you're an American rather than a member of most other advanced countries."

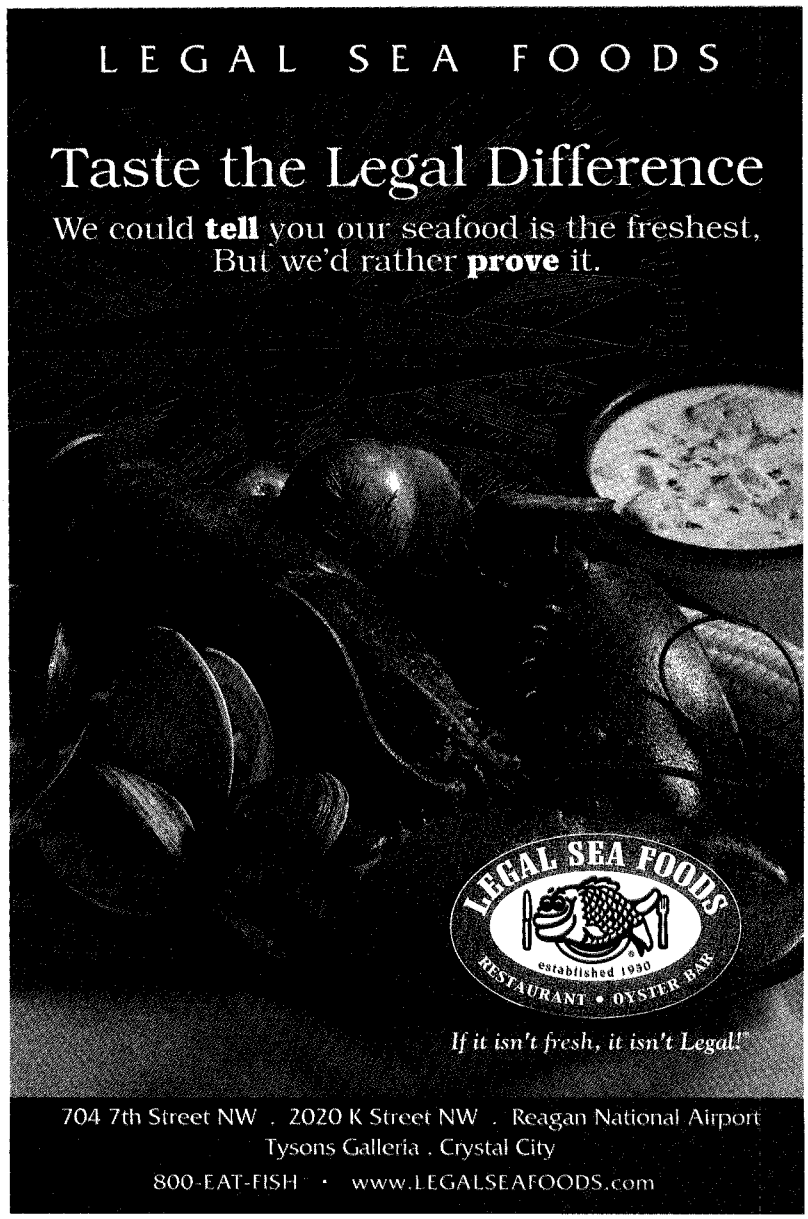
This means that America faces a huge comparative disadvantage when it comes to aging. Only 12 percent of the population of the United States is 65 or older, yet the cost of their health care already amounts to 5 percent of GDP. That's far more than we spend on national defense and equal to about one-quarter of all federal spending. By contrast, in Great Britain, where nearly 16 percent of the population is 65 or over, the cost of their health care consumes only 2.8 percent of GDP. Going forward, this means that the United Kingdom can "afford" far more seniors than the United States can—at least, that is, until the United States adopts something like the British health-care system, which for now seems unlikely.

Wattenberg and I also diverge on what, if anything, should be done to keep U.S. fertility rates from declining further. Wattenberg's roots are in neoconservativism, so one might expect him to have an ideological objection to government programs that would ease the strains on young parents. But instead his objection is practical. "Such programs may indeed be good on their own merits," he writes. "But the fact of the matter is that pro-natalism as a means of seriously boosting fertility has not worked well." But that's not quite right. In Europe, the countries with the most generous family allowance and paid maternity leave such as Sweden, Norway, and France, have much higher fertility rates than countries that offer parents few if any breaks, such as Spain and Italy. Moreover, the idea that government policy can do nothing to influence how many children people have flies in the face of the American experience.

After World War II, the GI bill dramatically lowered the cost of home ownership for millions of young Americans. Its educational benefits also allowed millions of men still in their twenties to start earning nearly as much as their fathers. The bill's purpose was not to create a baby boom in the United States. But that is what it did. There was no commensurate increase in birth rates after World War I or any other American war because there were no commensurate policies creating upward mobility among the young. The GI bill is a good example of how government policies, even when not explicitly pro-natal, can make the economics of parenthood less punishing and thereby enable more people to afford to raise the children they want.

Today, in both Europe and the United States, women coming to the end of their reproductive years report that they did not have as many children as they would have liked. Such statements suggest an implicit demand for children that is not being met. The reasons for this trend are complex, but many are clearly within the power of government to ameliorate.

Phillip Longman, a Schwartz Senior Fellow at the New America Foundation, is the author of *The Empty Cradle:* Basic Books, 2004.



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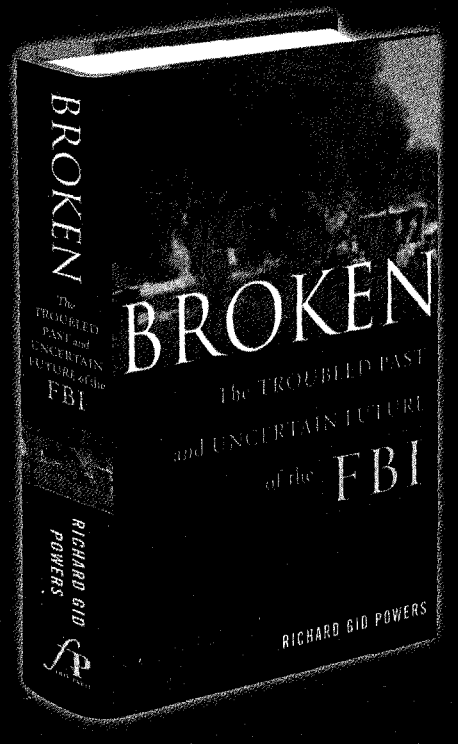
"Of all the agencies involved in intelligence and counterterrorism, the FBI comes out worst in the 9/11 commission's report."
—Richard A. Posner

BROKEN

The TROUBLED PAST and UNCERTAIN FUTURE of the FBI

RICHARD GID POWERS



Master historian Richard Gid Powers combines archival research with contemporary interviews to tell the troubled story of the FBI as it has never been told before. From the Palmer Raids during the first Red Scare to 9/11, *Broken* shines a light on the cracks in a bureau mired in scandal and corruption and reveals why its future has become gravely imperiled.

"Required reading for anyone who wants to understand how the FBI failed to operate as an effective defense against Al Qaeda in the run up to 9/11, despite the best efforts of some very fine agents."
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